



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

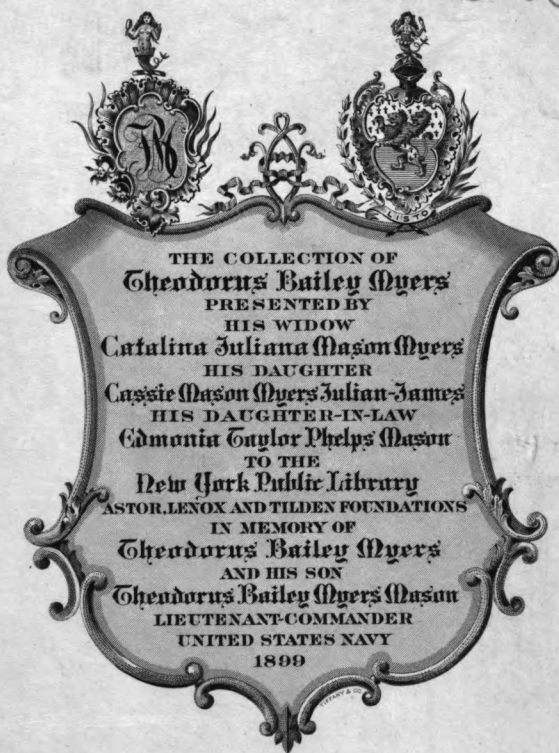
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



*Historical memoirs
of Louisiana*

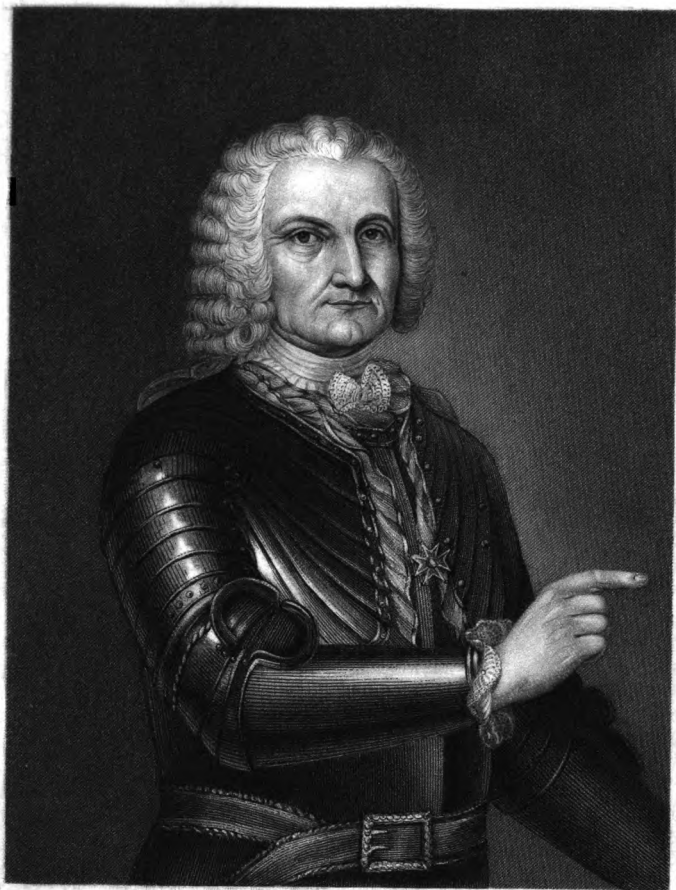
Benjamin Franklin French

6250



THE NEW YORK
PUBLIC LIBRARY

ASTOR, LENOX AND
TILDEN FOUNDATIONS



Bienville

GOVERNOR OF LOUISIANA

Portrait of Jean-Baptiste Le Moyne de Bienville

Engraving by J. B. H. de la Roche

1765

HISTORICAL MEMOIRS

OF

Louisiana,

FROM THE FIRST SETTLEMENT OF THE COLONY TO THE
DEPARTURE OF GOVERNOR O'REILLY IN 1770.

WITH

Historical and Biographical Notes,

FORMING THE FIFTH OF THE SERIES OF HISTORICAL COLLECTIONS OF LOUISIANA

BY

B. F. FRENCH,

*Member of the Historical Society of Louisiana; of the American Association for the
Advancement of Science; of the American Antiquarian Society of Massachusetts;
Corresponding Member of the Academy of Natural Sciences of Philadelphia
of the Historical Society of New-York; and Honorary Member of
the New-Jersey and Connecticut Historical Societies, &c. &c.*

NEW-YORK:

LAMPORT, BLAKEMAN & LAW,

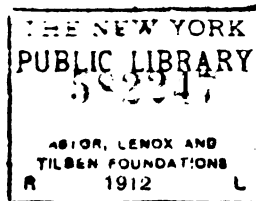
No. 8 PARK-PLACE

1853.

56

Checked

May 1913



Entered according to act of Congress, in the year 1853, by B. F. FRENCH, in the Clerk's
office of the District Court, for the Southern District of New-York.

W. W. W. W.
C. L. L. L.
W. W. W. W.

TO

G. W. COSTER, ESQ.,

This Volume

IS DEDICATED, WITH SENTIMENTS OF REGARD AND ESTEEM.

BY

B. F. FRENCH.

No. 94 Clinton Place, New-York.

NEW YORK
PUBLISHED
BY
J. B. BROWN

The Portrait of M. BIENVILLE, so long distinguished in the historical annals of Louisiana, is engraved from a copy of the original, in the possession of the family in Canada, and is believed to be the only one in existence. It was kindly placed at our disposal by the holder, Mr. De Bow, of New-Orleans, having been executed for him by one of the first artists in Canada.

W. DE BOW
CLERK
Y. A. S. S. L.

CONTENTS.

DUMONT'S MEMOIR.

	Page.
FIRST Establishment of the French Colony at Dauphin Island—Description of that island.....	1
Capture of Fort Pensacola from the Spaniards.....	4
Spaniards retake Pensacola—Their attempt on Dauphin Island.....	6
Arrival of the French Squadron at Dauphin Island—Second Capture of Pensacola.....	9
Arrival of a vessel loaded with young women at Dauphin Island.....	14
Second Establishment of the French Colony at Old Biloxi.....	16
Third Establishment of the Colony at New Biloxi.....	19
Dispersion of the Concessionnaires (Grantees)—Establishment of the French posts in Louisiana.....	22
Establishment of New-Orleans—Description of that Capital.....	23
The currency of the country.....	27
The Post of Balize.....	29
The Post of the Natchez, or Fort Rosalie.....	30
Fort Naquitoches.....	33
The Arcanças Post.....	34
The Illinois Fort.....	36
The Missouri Post.....	37
Fort Mobile.....	40
Arrival of the Royal Commissaries at New-Orleans—Establishment of a Council in that Capital.....	41
First Indian hostilities against the French—a party of Chickasaws surprises a French Cabin.....	43
One of the Directors of the Concession of St. Catharine's wounded by the Natchez Indians.....	47
Continuation of Indian hostilities—The Commandant marches against them.....	49
Recall of the Commander of the Country to France—Loss of the Bellona..	57
New troubles with the Natchez Indians.....	58
Arrival of a new Commerçant at the Capital—The Sieur Chopart sent to Natchez.....	61
Sieur Chopart's conduct—Origin of the last war.....	64
Conduct of the Natchez—Their resolution on Sieur Chopart's proposition.....	66
General Massacre of the French by the Natchez.....	68

	Page.
Sequel of the Massacre—French who escaped.....	73
Conduct of the Indians after the Massacre—Their cruelty.....	76
The Natchez induce the Yazoos to follow their example—New massacre of the French by the latter.....	79
Conduct of the Choctaws—Their discontent—Councils repeatedly held by the Natchez.....	81
The news of the Disaster reaches the Capital—The Chevalier de Laubois marches against them.....	84
Arrival of the Choctaws at Natchez—What they did there.....	89
Arrival of Chevalier Loubois at Natchez—Success of his expedition.....	90
Retreat of the Natchez—Continuation of hostilities.....	94
Trouble at New-Orleans—The Commandant-General marches against the Natchez.....	99
Arrival of a new Commandant at the Capital—New preparations for war..	103
First Expedition against the Chickasaws—Attack of one of their forts....	106
New Expedition against the Chickasaws—Peace made with the Indians...	114
Negro Slaves.....	119
New Discoveries to reach the Western Sea by the Missouri.....	122

CHAMPIGNY'S MEMOIR.

MEMOIR of the Present State of Louisiana, by Chevalier de Champigny—translated from the French.....	127
PREFACE.....	128
FIRST PART.—From the first establishment of the Colony of Louisiana to the year 1762.....	129
SECOND PART.—What Louisiana was from the peace of 1762, till the arrival of the Spaniards.....	139
Biographical Notice of M. D'Abadie.....	142
Letter of Louis XV. to M. D'Abadie.....	143
THIRD PART.—Section I.—From the arrival of Ulloa to his departure.....	149
Letter from Ulloa to the Superior Council.....	150
Biographical Notice of Don Antonio de Ulloa.....	151
Decree of the Superior Council dismissing Ulloa from the Province.....	164
PART THIRD.—Section II.—From the departure of Don Ulloa to the year 1771.....	178
Petition of the Colonists and Merchants to the King.....	178
Biographical Notice of Don Francisco Bouligny.....	182
Biographical Notice of Nicholas Chauvin de la Prieure, Attorney-General of Louisiana.....	193
Biographical Notice of Governor O'Reilly.....	193
Biographical Notice of M. Foucault.....	199
Governor O'Reilly's Proclamation.....	201
Note on the trial of the Prisoners.....	203
Biographical Notice of Governor Aubry.....	204

CONTENTS.

VII

APPENDIX.

HISTORICAL DOCUMENTS AND ELUCIDATIONS.

	Page.
Preliminary Convention between the Kings of France and Spain, for the cession of Louisiana to the latter.....	235
Definite act of cession by the King of France to the King of Spain.....	236
The Seventh Article of the definite treaty of Peace between Kings of France, Spain and England, signed at Paris on the 10th of February, 1763.....	239
Note from the French Minister to the Spanish Ambassador.....	240
Commission of Don Louis de Unzaga y Amezaga.....	240
Commission of Don Bernardo de Galvez.....	243
Dispatch of the Marquis de Grimaldi to Don Louis Unzaga.....	245
Royal order to Don Pedro Garcia, Mayoral.....	246
Report to the King on Don Alexandro O'Reilly's Statements.....	246
Ordinances and Instructions of Don Alexandro O'Reilly.....	254

HISTORY OF LOUISIANA.

TRANSLATED FROM THE HISTORICAL MEMOIRS

OF

M. DUMONT.

CHAPTER I.

*FIRST ESTABLISHMENT OF THE COLONY AT DAUPHIN ISLAND:
DESCRIPTION OF THAT ISLAND.*

DAUPHIN ISLAND is situated in the Gulf of Mexico, in latitude 28° N. and in longitude 288° W.* Its length is about seven leagues from east to west, and its width a good league from north to south. It is continually exposed to a burning sun, and the soil is so poor that it is hard to raise even salads and other vegetables. It is indeed almost nothing but sand, which, on the sea-shore, is so white, that when the sun shines on it, the reflection is very bad for the eyes. An officer, named Mahuet, who was here in the beginning of the establishment of the colony, was forced to return to France or he would have lost his eyesight. The island, however, has this advantage, that though surrounded by the sea, you can

* This longitude is reckoned, as in all old French accounts, from Ferro, one of the Canary islands. The latitude should be $28^{\circ} 10'$. It is not improbable that this, or Ship Island, is the Malhado of Cabeza de Vaca.

find good fresh water by digging in the sand not six feet from the shore. The roadstead for ships is more than two leagues from the island, on account of the sand banks which run out a great way and are but slightly covered with water. The fishery supplies an abundance of good fish; as for trees, the ground produces only pines and firs, with some shrubs, and many stalks of a kind of plant which bears an Indian fig. This fruit is an excellent remedy for the dysentery and diarrhoea; but before eating it must be well wiped, for it is covered with many little clusters of fine prickles which, sticking to the lips and tongue, produce an intolerable itching.* Sun strokes are very common in this island. Wild purslain, otherwise called porcelain, grows here spontaneously almost the whole year. Across the island to the north lies a short distance off another little island called Tête de Mort (Death's head), because one was found there without anybody's knowing where it came from.

This island, such as I have described it, was called Massacre Island by the first who settled here, from the quantity of bones they found here at their arrival.† These first settlers were Canadian voyageurs, who had got some goods from citizens of Quebec to go and trade among the Iroquois and Hurons, but after using them as their own, were afraid to return home after such a piece of business, and reaching the Illinois, descended the river St. Louis (Mississippi), and landing in this island, settled there.‡ Mr. Crozat subsequently, in

* This is undoubtedly the prickly pear, and is in all probability the locality of the fig tribe described by Cabeza de Vaca.

† This island was first visited by Iberville, in 1699. Some writers believe that these whitened bones were the remains of the unfortunate expedition of Pamfile de Narvaez.

‡ After the death of Sauvolle, in 1701, Bienville made this island a military post.—*Historical Collections of Louisiana*, vol iii., p. 23.

1712,* obtained the monopoly of trading in the Gulf of Mexico; this supported the settlement, as his vessels stopped to take in water and gave some help to those stationed here. At last, in 1716, on Mr. Crozat's ceding his rights to the company, which then took the name of the Western Company,† they began to think seriously in France of establishing French posts in the province of Louisiana, like those the Spaniards possess in Mexico, not by the same way, but by those of mildness.‡ With this view, as early as the following year (1717), the company dispatched from Rochelle two vessels, intended to go and begin a settlement in that island, which, on their arrival, gave up its former name of Massacre Island to assume that of Dauphin. Ground was cleared, and storehouses and cabins raised, with houses formed of logs and palisades, for the commandant and directors, at whose head was the Sieur le Gac; the Sieur Hubert being Commissaire ordonnateur. As for the Commandant, he was the Sieur le Moyne de Bienville, a native of Quebec; the other officers were the Sieur Jaquotot, Judge; De Beaune, Attorney General, and Vaudripon, Surgeon-in-Chief:§ there were also store-keepers, clerks and book-keepers for the offices, and as chaplain, the Reverend Father le Maire, a missionary. A moderate-sized house was chosen for a chapel, but afterwards

* On the 14th September, 1712, M. Crozat obtained from the king of France Letters Patent to trade in Louisiana for fifteen years.—*Historical Collections of Louisiana*, vol. iii. p. 38.

† This company was formed in August, 1717, (*See Letters Patent* in vol. iii. *Historical Collections of Louisiana*,) and on the 9th February, 1718, three ships, with officers belonging to the company, arrived at Dauphin Island to take possession of Louisiana.—*Historical Collections of Louisiana*, vol. iii., p. 53.

‡ It is amusing to see how the authors of various nations, English, French and Spanish, express a holy horror of the Indian blood which soils the hands of the others; and yet we must confess that the English succeeded most completely, and the Spaniard least of all, in depeopling the land of its former inhabitants.

§ See *Historical Collections of Louisiana*, vol. iii., p. 54.

found to be too little. The company also sent out provisions, salt, beef and pork, wine, brandy, flour, &c., as well as powder, balls, cannon and guns. In 1718, two other vessels arrived, called the Philip and the Mary;* they brought few men, but an abundant supply of provisions and ammunition. The Mary soon sailed back to France, but the Philip remained at anchor for the protection of the inhabitants of the island, which now became the cradle of the new colony destined to people these vast countries.

CHAPTER II.

CAPTURE OF FORT PENSACOLA FROM THE SPANIARDS BY THE FRENCH.

ON the arrival of the two vessels I have named, the Commandant of Isle Dauphin received letters from the court informing him that war had been declared in Europe between France and Spain. He immediately resolved to take the first step and attack the Spaniards in the new world before they came to attack him, and conceived the project of making himself master of Fort Pensacola, which belonged to them. This fort is built on the main land, not more than fourteen leagues from Dauphin Island, but as M. de Bienville had not forces enough to undertake to lay siege to so important a place in due form, he resolved to surprise it, if possible, and carry it by a sudden blow. For this expedition† he assembled what troops he had, to whom he added some Canadians and Indians,

* This is an error. These two vessels arrived at Dauphin Island on the 19th April, 1719.—See *Historical Collections of Louisiana*, vol. iii., p. 63.

† See the account in *Historical Collections of Louisiana*, vol. iii., p. 64.

and gave the command of this little army to Captain de Chateaugué, his brother, and Captain de Richebourg; then, after giving them provisions and arms, they embarked, as he also did, and with a good wind tacked towards Isle St. Rosa, over against Pensacola, where the Spaniards had an outpost, and which, by its point, forms on the western side a pass to enter the port of Pensacola. They anchored as near as possible to the island, and the troops having disembarked unperceived, they seized the post and all in it, who were put in irons. Their uniform was taken at once, and some French soldiers dressed in them in hope of surprising the enemy by this disguise. In fact, at daybreak next morning, a party was seen starting from Pensacola to come and relieve the guard on the island. The Spanish drummer was now forced to beat as usual, and the disguised French soldiers turning out, the enemy, deceived by the show, landed and were made prisoners, disarmed, and put in irons like the rest. The French then re-embarked in the same boat that had brought the detachment, passed to the fort, surprised the sentinel in the same way, seized the guard-house, the magazine and stores, took the commander prisoner in his bed, and made themselves complete masters of the place.*

After this expedition, in which not a sword was drawn nor a drop of blood shed, M. de Bienville, fearing that reinforcements might not arrive soon enough from France, and that there were not provisions enough in the fort to support the garrison he intended to leave with the prisoners he had made, put them in a vessel with some troops commanded by the Sieur de Richebourg, with orders to convey the Spaniards to Havana and deliver them to the governor of that city. He

* The Spanish accounts state that the governor was entirely unaware of the existence of war between the two crowns.

then left in command of Pensacola, his brother, the *Sieur de Chateaugué*, with a garrison of sixty soldiers, and after giving him his orders, returned to Dauphin island.*

CHAPTER III.

THE SPANIARDS RETAKE PENSACOLA—THEIR ATTEMPT ON DAUPHIN ISLAND.

THE French vessel which bore the Spaniards to the port of Havana was no sooner anchored there, than M. de Richebourg went to visit the governor, to whom he delivered his prisoners. The Spanish officer thanked him for his politeness, and as a mark of his gratitude, made him and some officers who were with him, prisoners, and put in irons the soldiers that had followed him.† From thence they were led to prison, where they remained some time, very badly fed and daily exposed to the insults of the Spaniards, till at last, tired of suffering, most of them enlisted in the Spanish king's troops.

Meanwhile, the Governor of Havana thought of revenging himself upon the French and re-taking Pensacola. With this design he equipped a vessel, with the French one which had brought the *Sieur de Richebourg*, and was called the *Duke de Noailles*. He fitted them out with provisions and all that was necessary for a siege, appointed an officer to command, embarked troops, among the rest several French deserters, who were all put on the *Duke de Noailles*, after which, the wind being favorable for the execution of their project, they set sail.‡

* Dauphin Island was for many years the head-quarters of Bienville.

† This is not denied by the Spanish accounts, although they try to show that the two French vessels were captured as they entered the harbor of Havana.

‡ See *Historical Collections of Louisiana*, vol. iii., p. 64.

Arrived in sight of Pensacola, the Spanish vessel drew up behind Isle St. Rosa, while the Duke de Noailles alone appeared before the fort with French colors, and was received into the port, after replying to the sentinel's question—"Who commanded the vessel"—that it was Captain de Richebourg. But scarcely had it anchored, when, lowering the French flag, it ran up Spanish colors, which it attested by three cannon; on this, the signal agreed on, it was joined by the Spanish vessel, and both summoned the commandant to surrender. On his refusal, a cannonade began on both sides and continued till night. Next morning, about seven o'clock, the enemy again opened their fire on the fort, and having slackened it about noon, sent again to summon the commandant to surrender. The Sieur de Chateaugué demanded four days to consider; two were given, and he profited by them to send an express by land to Isle Dauphin to ask assistance. Unfortunately, the Sieur de Bienville was not then in a position to send any, so that after two days the attack was renewed with great vigor. The French commander, on his side, defended the palace with all imaginable courage; and, in spite of the heavy fire of the enemy, not one of the bastions was yet injured; but night coming on, the soldiers of the garrison availed themselves of it to desert, and abandoned their commander, to whom not more than a score adhered. The Sieur de Chateaugué now seeing himself unable to hold out, asked to capitulate, which was granted with all the honors of war; but hardly had he left the place when he and all who followed him were arrested and held as prisoners by the Spaniards. After this he was put on board a vessel and sent off next day to Havana to announce the capture of Pensacola.

As soon as the governor received this good news, he dis-

patched some bateaux and a pink* to carry provisions and refreshments to the fort with troops and ammunition. Meanwhile the officer in command there had immediately set to work to repair what had been injured by the cannonading, and to give additional defence to the entrance of the port, threw up a little palisade fort on the point of St. Rosa island. In this work he employed the French prisoners, giving them no rest, and no food but cassava.

The commander of Pensacola did not stop here: he soon after sent out a bateau called the Great Devil, armed with six pieces of cannon, to harass the French established on Dauphin Island, and, if possible, land and take possession. As soon as this bateau hove in sight the captain of the Philip, who had but few men on board, and did not wish to expose himself to be taken by the Spaniards, prudently drew in as near shore as possible, and profiting by a high tide, entered a bay near the island, called the Major's Hole. Then having firmly planted himself there with piles and cables, he put all his cannon on one side, so that he became a kind of citadel to the island, where all were now under arms, but where there was no fort, retrenchment or other defence, but a battery on the eastern point of the island. Yet such was the valor and activity of the commander, that after many ineffectual attempts the Spaniards found it impossible to land, M. de Bienville carefully sending his forces to every part of the island to prevent by arms any attempt to land.† The enemy, therefore, could only cruise about, and as they had several French deserters who gave them information, they disembarked on the main land

* Richardson defines a pink as a kind of pilot-boat or revenue cutter.

† The Spanish account, exalting the bravery of their own men, confirms the resolute defence of Governor Bienville.

opposite the island, where a Canadian named Miragouine had a plantation, which they pillaged. Meanwhile there appeared before the island a Spanish pink, sent to help the Great Devil to take possession of it, and these two vessels uniting again opened a fire on the island and the Philip, which returned it stoutly, as did also the battery on land, which was served by Canadians, naturally good hunters and soldiers.

CHAPTER IV.

ARRIVAL OF A FRENCH SQUADRON AT DAUPHIN ISLAND—SECOND CAPTURE OF PENSACOLA BY THE FRENCH.

THINGS were in this state, when a squadron of five vessels appeared, four bearing Spanish colors, the smallest having French colors hoisted but not unfurled,* as if it were a prize taken by the others which seemed to belong to the king of Spain. In fact, they were really taken for Spanish by the commander and all the French on Dauphin Island, who now thought themselves lost men, the more so as the smallest vessel with its colors furled was not unknown. It was the store-ship *Mary*, commanded by an old captain named Japy, a good sailor and brave man, who had often in his voyages been attacked by pirates, but had always come off with honor and success.

These vessels were taken for Spanish, not only by the people of Dauphin island, but also by the enemy, who never for a moment doubted their being ships of their country coming from Vera Cruz or Havana, so much so that two Spanish officers let down a boat, and with seven sailors went on board the

* This fleet arrived before Dauphin Island on the 1st September, 1719.—*See Historical Collections of Louisiana*, vol. iii., p. 65.

vessel that bore the pennant. But we may say, that like the moth they went to burn themselves in the candle; for as soon as they reached the deck they were arrested and made prisoners. In fact, the whole five vessels were French; the three largest being a royal squadron commanded by M. de Champmeslin, composed of the Hercules, Mars and Triton; of the other two, the larger was the Union, Captain Mansiliere, the other, fifth, the Mary, both belonging to the company. These vessels brought eight hundred soldiers,* all deserters, who had been ordered out for execution, but obtained his Majesty's pardon on condition of serving these three years in Louisiana. There were also twenty-eight officers, captains, lieutenants and sub-lieutenants, to form them into companies and command them. These five vessels entered with a very slight wind, so that the Mars was for some time compelled to tow the Mary, which was heavy laden and no great sailer; but the wind freshening, he left her to intercept the two Spanish vessels; but they perceived his intention and retired to Pensacola, where they carried the news of the reinforcements at Dauphin Island. The Mars rejoined the squadron, which dropped the Spanish flag and ran up the French colors, as soon as they anchored; then the company's vessel sent their boats ashore with the orders and packages addressed to the commander of the island, who passed in a moment from the keenest anxiety to the liveliest joy.

The next day, the officers intended to serve in the country landed to salute the commander, who received them extremely well. As for the soldiers on board, they were not landed, but were formed into companies, and the officers arranged according to their brevets and priority of commissions. The Philip

* This is an error. In this number is also included colonists, and some deserters.

was taken out of the Major's Hole and joined the squadron, taking fresh troops on board; and at last the whole squadron, except the *Mary*, left before the island as being too heavy, set sail with a favorable wind on the 7th of September, 1719, to retake Pensacola, and rescue from fetters the French soldiers taken prisoners by the Spaniards. The French and Canadian soldiers taken from Dauphin Island, who formed a little army by themselves, were landed near Perdido river* to attack the fort by land, while the squadron sailed on, preceded by a light boat, the *Mary*, which sounded the pass to enter the port of Pensacola, and put buoys there. The *Hercules*, which carried the commander, drew twenty-one feet water, and the pass was only twenty-two at the highest tides, so that they despaired of bringing her into the port; but an old Canadian, named Grimeau, an experienced man, who knew the coast perfectly, boasted that he could do it, and succeeded, for which he received letters of nobility the next year. After these precautions the *Mary* entered the port first, followed by the *Mars*, *Triton*, *Philip*, and finally by the *Hercules*, not, however, without receiving as they passed several volleys from the cannon of the little fort on Isle St. Rosa. As soon as the squadron was anchored, a brisk cannonade began on both sides. The French had but five vessels, and had against them two forts and seven sail, which they found in the port. The large fort, indeed, made little resistance, firing only one cannon on the land army; for the Spanish commander, espying a body of over three hundred Indians, commanded by the Canadian *Sieur de St. Denis*, a brave officer and cousin of *M. de Bienville*, and believing himself lost if he fell into their hands, struck his flag and surrendered the place.

* According to Charlevoix, the full name of this river is *Rio de los Perdidos*, that is, "of the lost men," so called from a terrible shipwreck near its mouth.

They had, therefore, only to handle the little fort St. Rosa and the seven sail. After a brisk cannonade of two hours, a chainshot from one of the enemy's vessels cut off the end of our admiral's yard-arm; on this the Spaniards cried three times, "Viva Felipe Cinco," as if that shot had won them victory. But their joy was not long-lived; the French admiral immediately loaded three forty-eight pounders, which were on his quarter-deck, and had not yet been fired; at the second shot, made by our chief cannonier on one of the hostile vessels, he cut the main-mast and it fell into the sea. This blow was followed by the shouts from all the fleet, who, in imitation of the Spaniards, cried three times, "Vive le Roi!" while the enemy were so alarmed that they ran down between decks crying, "Traya la bandera;" that is, "Save the flag." Meanwhile, their alarm was so great that no one dare expose himself to get it off, so that a French prisoner in the vessel had to do them that service. All the rest surrendered; but we had well nigh met with a great disaster by the scheme of the officers of one of these Spanish vessels. They had embarked on the bateau the Great Devil, in hopes of escaping from the enemy and reaching Fort St. Augustine; and to prevent the victor's making anything by their vessel, they had resolved to fire the magazine and blow it up. With this view they had, before starting, laid several trains of powder, with a piece of lighted slow-match at the end, so as to leave them about three-quarters of an hour to escape before the powder took fire. Happily their design was discovered; they were pursued and taken. On the other hand, some French prisoners in the vessel, kept between decks by the Spaniards, hearing no more firing or manœuvring, nor even walking, went up on deck, perceived the trains and match, put out the fire, and sent one to the admiral to report the whole affair.

It now remained only to reduce the little fort, which its commander defended very bravely and stoutly for more than an hour more, killing one of our soldiers, whose head was divided by a ball cut in two and connected by two brass wires. At last, powder failing, he was compelled to surrender, and came in person to present his sword to our admiral, who embraced him and returned it, saying that he could distinguish a real soldier from one so but in name; at the same time, he assigned him his vessel as a prison; on the contrary, he did not deign to look at the commander of the large fort, who was for some time the laughing-stock of the soldiers and sailors. All the Spaniards found in the vessels, or in the two forts, were made prisoners of war and divided through the fleet, and our Frenchmen held as prisoners recovered their liberty. As to the deserters, who numbered about forty, a council of war was held the next morning, and they were ordered to draw lots: twenty were hung at the yard-arm of the admiral's mizen-mast, the others were condemned to serve the company ten years as galley slaves.

The same day they discovered at sea a large pink making full sail for Pensacola. As they had no doubt she was Spanish, orders were given to lower the French colors and run up those of that nation. This show deceived the commander of the pink: he entered the port boldly, anchored without the least distrust, and saluted the pennant with five cannon. But what was his astonishment when the bateau *Great Devil*, then ours, and already manned, hauled alongside, and answered his salute by a volley of musketry and cries of "*Vive le Roi de France!*" He had to surrender; but the captain did not do so before he had dropped overboard a leaden box containing the letters and orders he had been commissioned to bring to Pensacola. He did not, however, do it so adroitly as to

escape the observation of a soldier, who immediately sprang into the water, and diving down brought up the box to M. de Champmeslin, who, as a reward, made him a sergeant. The box, when opened, was found to contain a letter written by the Governor of Havana to the Commandant of Pensacola, in the name of the King of Spain, by which he informed him, that as he was sure that by their valor and courage his subjects and good friends had conquered and taken possession of the country that belonged to the French, and taken all prisoners, he ordered him to send them all to work in the mines to avoid a scarcity of provisions. It is easy to imagine that the publication of such orders did not contribute to sweeten the lot of the Spaniards who had been taken prisoners. Moreover, they found in the pink a store of refreshments, which came quite appropriately for the victors.

After the capture of Pensacola the two forts were demolished, and only four houses kept, to serve as stores and guard-house, as well as lodgings for the officer and small body of soldiers left to guard the post; the rest were transported to Dauphin Island. After this exploit, M. de Champmeslin set sail and returned to France.

CHAPTER V.

ARRIVAL OF A VESSEL LOADED WITH YOUNG WOMEN AT DAUPHIN ISLAND.

AFTER this successful expedition all returned to Dauphin Island, where each one was soon employed in his respective duty. The troops and mechanics were supported at the expense of the company; every few days they dealt out

to them the salt meat, (beef or pork,) bread and wine or brandy, which they needed. The same distribution was made every other week to the officers, with this difference, that as to meat and drink, they were free to choose what they liked : some even, instead of taking the bread distributed, preferred to take their rations in flour, which they gave to bakers to make into bread according to their fancy.

At this juncture arrived a vessel sent from France loaded with young women, a necessary shipment, without which it was impossible to make any solid establishment in the country.* There were indeed on the island some married Canadians, who had children and even marriageable daughters, but they were old settlers, and looked upon as lords of the island, for they had risen to wealth by trade either with Crozat's vessels or the Spaniards. One especially, named Trudeau, had a very pretty frame house, two stories high, covered with shingles.

As soon as the young women were landed they were lodged in the same house, with a sentinel at the door. Leave was given to see them by day and make a selection, but as soon as it was dark, entrance to the house was forbidden to all persons. These girls were not long in being provided for and married ; and we may say that this first cargo did not suffice for the number of suitors who came forward, inasmuch as the one who remained last had nearly given rise to a very serious dispute between two young men, who wished to fight for her, although this Helen was anything but pretty, having the air of a guardsman than of a girl. The dispute coming to the

* This vessel brought to Louisiana three hundred colonists, and eighty girls under the care of Sisters Gertrude, Saint Louise and Marie. See the treaty with the Ursuline Nuns.—*Historical Collections of Louisiana*, vol. iii. p. 45.

ears of the commandant, he made them draw lots to settle it. In fact, had there arrived at the time as many girls as there were soldiers and workmen on the island, not one would have remained without a husband.

CHAPTER VI.

SECOND ESTABLISHMENT OF THE COLONY AT OLD BILOXI.

AFTER this vessel, loaded with young women, there arrived several others, among the rest one called "The Two Brothers," commanded by the *Sieur Feret*. All brought troops and mechanics, so that Dauphin Island soon became too small to hold all that were sent there. This induced the commandant, who had been very long in the province, and knew better than any other the most suitable places, to select a wider and more spacious ground to form a new settlement.

This new post was a bluff or little mountain on the main land, at a place to which the name Old Biloxi was given, because it had formerly been a village of Indians who bore that name. To go and prepare at this place suitable and necessary dwellings for the colony to be transported there, the commandant selected the *Sieur de Valdeterre*, to whom he gave his orders. He sent with him some workmen and a company of stout German soldiers. They embarked on the vessel "Two Brothers," with the provisions, tools and utensils necessary to form that establishment. They had only thirty-eight leagues to go by sea to reach Ship Island,* but on the

* Ship Island afterwards became the first point on the coast of the Gulf of Mexico, where large war vessels anchored on coming from France.

way the vessel touched, and was on the point of being lost, so that to save her they had to throw overboard all her cannon. After much trouble and loss they got off, and went and anchored inside of Ship Island, a good league and a half from the shore, not being able to get any nearer for the sand-banks, which run very far out, and over which there is only water enough for common boats. As soon as she had anchored, they let down the boat and canoe, and in these the detachment embarked and reached New Biloxi, where they found an old Canadian named Deslots, who received them as well as he possibly could. They remained with this *habitant* two or three days to rest, and then went to visit the site selected by the commandant for the new post. It was not yet cleared, so that they had to begin by preparing the ground. They set to work in the month of November, 1719, and the soldiers kept themselves warm with blows of the axe and spade, some clearing the grass and brush, others in felling trees and making posts or palisades, which were carefully laid aside near the landing-place, with the wood prepared for building cabins. After fifteen days' hard work they set fire to several places, and the devouring element reducing to ashes that heap of stumps, brush, canes, and shrubs, left a fine large place cleared. They began by raising some cabins for the soldiers, who till then had slept under tents, or under "berre",* a kind of bed, made on the ground, and covered by means of a ring above, with a large tent-cloth eighteen ells long and five or six wide. Without this precaution it would be impossible to close an eye all night on account of the trouble given by the mosquitoes and gnats. They then laid out on the spacious ground sites for cabins, raised dwellings for the commandant and officers,

* F. du Poison, who writes it "*baire*," gives a lively description of this necessary article on the Lower Mississippi.—*Kip's Jesuit Missions*.

built magazines, and even constructed a cistern. This work was, as I have said, done in the winter, a season consequently when provisions for the workmen were plenty, the Biloxi Indians bringing in game of all kinds, buffalo, bear, deer, duck, and seal, to trade for merchandise.

While they were engaged in forming this new establishment three royal vessels arrived commanded by M. de Saugon,* with a ship of the company's, called the *Mutine*, commanded by the *Sieur de Martonne*, as captain. The last vessel, besides a cargo of goods and provisions, brought a troop of young women, sent by force, except one, who was called the *Damsel of Good-Will*. They were landed first on *Dauphin Island*, but the marrying mania had subsided, and there was no demand for them. As, moreover, the commandant had resolved to abandon the island soon, he put them all in boats and sent them over to *Ship Island*, thence to *Old Biloxi*,† where most of them got married. At the same time, the commander of the royal vessels, seeing all quiet in those parts, and nothing to be feared from the Spaniards, set sail and returned to France with two of the company's vessels, the *Mutine* and *Two Brothers*.

On the other hand, M. de Bienville, seeing the establishment at *Old Biloxi* pretty well advanced, transported there all the provisions, merchandise and munitions of war on *Dauphin Island*. Then you might have seen the whole staff, soldiers, workmen, officers and *habitans*, abandon that island, which

* This fleet arrived at *Dauphin Island* on the 28th of February, 1720.—*Historical Collections of Louisiana*, vol. iii., p. 75.

† *Old Biloxi* was founded by M. d'Iberville, in 1699. A fort with four bastions, and mounted with twelve pieces of cannon, was completed on the first of May. The command of it was given to M. Sauvole, and M. d'Iberville returned to France.—See *Journal of M. Sauvole in Historical Collections of Louisiana*, vol. iii., p. 223.

had been the cradle of the colony, to repair to the new post and take possession of the continent, leaving there only a sergeant and ten men to guard it.

CHAPTER VII.

THIRD ESTABLISHMENT OF THE COLONY AT NEW BILOXI.

As soon as the colony had been transported to the new post just established,* all was set on the same footing as previously at Dauphin Island; all were similarly supported at the expense and account of the company, and the same distributions were made. Meanwhile, some of the company's vessels arrived before the island, and the guard left there directed them to the new post where the colony then was.

These vessels brought several owners of concessions, who had come to form establishments in the colony of Louisiana for their private account and profit. The concessions (grants) were those of M. le Blanc, Minister of War, and his associates; that of Sieur Law, made up entirely of Germans, and those of the Sieurs de Meuze, de Chaumont, de Paris du Vernay, de Coly, Dumanoir, de Villemont and Dartaguet. There was besides in the same vessels a troop of engineers, all knights of St. Louis, under the brigadier, the Sieur le Blonde de la Tour, who was, moreover, lieutenant-general of the country for the colony, and besides director of the concession on the Yasous of the minister, who sent a company of soldiers, with officers to command them, and two other companies of workmen, with a chaplain and sub-director.

* The colony was removed from Dauphin Island to New Biloxi in 1719.—*Historical Collections of Louisiana*, vol. iii., p. 67.

By what I have thus far said, it will be seen that the colony was not yet planted on St. Louis River (Mississippi). This determined the new-comers to land all their people and effects at New Biloxi, where, as I have said, the Canadian Deslots had made a little establishment, which he had subsequently abandoned to go nearer the river. There each took a plot along the coast, cleared it, and raised cabins; but they had this disadvantage, that when they wished to go to Old Biloxi to see the commandant, they had to cross the water a good league.*

An accident, which happened in the latter post about this time, delivered them from this inconvenience, and caused a new transmigration of the colony. There was at Old Biloxi a sergeant, who, having drunk a little and lain down, took it into his head to light his pipe, as he did in fact with a stick from the fire; but as he was lying on his bed, instead of getting up to put the stick back, he threw it unluckily not into the middle of his cabin, but against the posts that surrounded it, so that the wind, blowing through the posts, soon fanned a blaze, which in a moment caught the palisade of pine, a very resinous wood, and easily inflamed. In an instant the fire spread to the next cabin, and from that to another, so that, though fortunately the wind was not high, the conflagration soon became so violent, that to check it and prevent its progress, they had to throw down two cabins on each side. The sergeant escaped as he was, not being able to take anything from his cabin; in all, eleven were burned or thrown down. The commandant had no thoughts of restoring them, as he was already disposed to transport his colony once more, and make a third establishment.

* The bay of Biloxi divides New from Old Biloxi, where the remains of the old fort built by d'Iberville are still to be seen.

A new reason decided him to do so. Although great care was taken in France to send abundantly provisions of every kind to the colony, yet all their care could not prevent want being felt there. It was so great that the commandant was obliged to send the soldiers, workmen, and even officers, to the nearest Indians of the country, that of the Biloxis and Pascagoulas, who received them with great pleasure, and supported them quite well, not indeed with bread, but with good hominy and sagamity, boiled with good store of meat or bear oil. As for the concessioners, each remained at his place, living not over well, being brought down to beans and peas in no great quantity. To increase the dilemma, there arrived at this juncture a vessel loaded with negroes, who were distributed to such as could support them. At last, the famine was so severe that a great number died, some from eating herbs they did not know, and which, instead of prolonging life, produced death; others from eating oysters, which they went and gathered on the sea-shore. Most of those found dead by the heaps of shells were Germans. At last, in the height of this scourge, came the Venus, loaded exclusively with provisions, and followed immediately by two other vessels. Then each one returned home, and the Indians were paid in goods for what they had given. At the same time the commandant raised at New Biloxi a third establishment, which being soon after completed, he transported the whole colony to it, abandoning Old Biloxi, where his stay had been marked only by disastrous events.

CHAPTER VIII.

DISPERSION OF THE CONCESSIONNAIRES.—ESTABLISHMENT OF FRENCH POSTS IN LOUISIANA.

As soon as they left Old Biloxi*, the colony was reunited on the same ground in the newly-formed establishment; but this reunion was of no long duration. The commandant and his council, fearing the recurrence of a famine like that they had just passed through, or something worse, the plague, thought it time to send the concessionnaires to their respective lands assigned them by the company. Accordingly, each made up his mind and they separated. I will here set down in what country of that great province each concession was then established, and how far it is from the mouth of the St. Louis (Mississippi). This will show, too, its distance from the capital, which is twenty leagues above its entrance into the gulf.

M. Blanc's, at the.....	Yazoux.....	140 leagues.	
" Koly's, at the.....	Natchez.....	130	"
" Law's, at the.....	Arkansas.....	238	"
" Dartaguet's, at.....	Bâton Rouge.....	95	"
" Paris du Vernay's, at the....	Bayagoulas.....	59	"
" Meuze's, at	Pointe Coupee.....	80	"
" Villemont's, on.....	Black River.....	130	"
" Clerac's, at the.....	Natchez.....	130	"
" Chaumont's, at the.....	Pascagoulas.....	8	"
from Biloxi.			

Such are the plots then established, and which it was thought necessary to make available to enable the grantees to draw their own subsistence, and even sell, in case of want, to those in need. As to some other French posts, also formed in that country for the security of the province and its inhabitants, I shall treat at large in the course of these memoirs.

* Bienville removed the colony from Old to New Biloxi, on the east side of the bay, in December, 1719.

CHAPTER IX.

ESTABLISHMENT OF NEW-ORLEANS—DESCRIPTION OF THAT CAPITAL.

WHILE the concessionnaires, thus dispersed in different places in that vast province, were engaged in forming their establishments, the commandant, now left alone at Old Biloxi, with the troops and officers of the company, thought of making a more stable and solid establishment in the country than any that had yet been formed for the colony. With this view he selected a tract thirty leagues above the mouth of the river, and sent the Sieur de la Tour,* chief engineer there, to choose in that tract a place fit for building a city worthy of becoming the capital and head-quarters, to which all the rising settlements might have recourse to obtain aid.

The Sieur de la Tour was no sooner arrived at the place,† then consisting only of some unimportant houses, scattered here and there, formed by voyageurs, who had come down from Illinois, than he cleared a pretty long and wide strip along the river, to put in execution the plan he had projected. Then, with the help of some piqueurs, he traced on the ground the streets and quarters which were to form the new town, and notified all who wished building sites to present their petitions to the council. To each settler who appeared they gave a plot ten fathoms front by twenty deep, and as

* Le Page du Pratz says, "That when he arrived in Louisiana, (in 1718,) New-Orleans existed only in name: Bienville had gone to the Mississippi to lay out a city, and returned to Dauphin Island after he had landed there."

† Charlevoix states, in his Journal, the reasons of Bienville and the engineers for locating the city of New-Orleans on this spot. When he arrived there (January, 1722) it consisted of about one hundred cabins, placed without order, and about two hundred inhabitants. He predicted, however, that the day was not far off when it would become the metropolis of a great colony.—*Hist. Coll. of La.*, vol. iii., p. 178.

each square was fifty fathoms front, it gave twelve plots in each, the two middle ones being ten front by twenty-five deep. It was ordained that those who obtained these plots should be bound to inclose them with palisades, and leave all around a strip at least three feet wide, at the foot of which a ditch was to be dug, to serve as a drain for the river water in time of inundation. The Sieur de la Tour deemed these canals, communicating from square to square, not only absolutely necessary, but even to preserve the city from inundation, raised in front, near a slight elevation, running to the river, a dike or levée of earth, at the foot of which he dug a similar drain.*

All were engaged in these labors, and several houses or cabins were already raised, when about the month of September a hurricane† came on so suddenly, that in an instant it leveled houses and palisades. With this inpetuous wind came such torrents of rain, that you could not step out a moment without risk of being drowned. A vessel, called the *Adventurer*, lay at anchor before the town, and though all sails were reefed, and the yards and the vessel well secured to the shore by cables, and in the river by anchors, it was full twenty times in danger of going to pieces or being dashed on the shore. In fact, this tempest was so terrible that it rooted up the largest trees, and the birds, unable to keep up, fell in the streets. In one hour the wind had twice blown from every point of the compass. On the third day it finally ceased, and they set to work to repair the damage done. Meanwhile the new city began to fill up with inhabitants, who insensibly be

* See an engraving of the original plan of New-Orleans, drawn by M. de la Tour, facing the title-page of this History.

† This hurricane took place on the 11th Sept., 1721, and threw down a great number of houses, both at Fort Louis, Biloxi, and New-Orleans.—*Historical Coll. of Louisiana*, vol. iii., p. 111.

gan to abandon New Biloxi to come and settle there; at last the commandant himself went there, with his council and troops, leaving only an officer with a detachment at New Biloxi to guard the post, and direct vessels coming from France to the residence of the colony. When the foundation of the new capital, which took the name of New-Orleans, was laid, the houses, as I have said, were mere palisade cabins, like those of Old and New Biloxi; the only difference being, that in the latter places the posts were pine, while at the capital they were cypress. But since they began to make brick there, no houses but brick are built, so that now the government-house, church, barracks, &c., and almost all the houses are brick, or half-brick and half-wood.

About this time arrived a third vessel, loaded with young women, but these were of a superior class to their predecessors, from the fact of their being called "casket-girls,"* because, on leaving France, each had received from the liberality of the company a little trunk of clothes, and linens, caps, chemises, stockings, &c. They had, too, the advantage of being brought over by nuns. They had not time to pine away in the houses assigned for their abode on their arrival, but soon found husbands.

The parish church of New-Orleans is built facing the Place d'Armes,† and is served by the Capuchins, one of whom is vicar-general of the Bishop of Quebec. At some distance from the city is a very fine house, the residence of the Jesuit

* "In the beginning of 1728," says Gayarré, "there came a vessel from France with a considerable number of young girls, of good moral character, who became known as the 'filles a la casette,' who were taken charge of by the Ursuline nuns, until they were provided with husbands. And, subsequently, it became a matter of importance in the colony to derive one's origin from them, rather than from those who had been sent from houses of correction."

† A splendid cathedral now occupies the site of the old parish church.

Fathers. It formerly belonged to M. Bienville, commandant-general in the country, who sold it to them.

Out of the city on the right was also built a brick convent,* for the Ursuline nuns, who came to the country, a few at a time, but at last formed an establishment. They employed their time in instructing youth and teaching children to read. Beside the convent is a military hospital, served by these good nuns. This hospital, for many years, was used also by the citizens† and country people, but at last another was built especially for them.

In this city there is a council, which meets generally every Tuesday and Saturday. It is composed of six councilors, an attorney-general, and an intendant, who is also commissaire of ordinance; there is also a register and a secretary to the council. Law-suits are settled there without attorneys or counselors, and consequently without expense, on the pleadings of the party. In conclusion, this place, which at first was hardly a good-sized village, may now justly be called a city. On the levée, to the left, a little above the intendant's, is the market, and opposite the place, beside the storehouses, is the anchorage for vessels, and beside it the guard-house. To avoid accident by fire the powder-magazine is at a distance from the city. In a word, it may be said that this capital wants only fortifications, which have not yet been begun. On the whole, you will find there very fine brick houses, and a great many buildings four and five stories high.

* This ancient building still exists. The nuns continued to occupy it till 1824, when they removed to a more splendid building below the city. It is now the residence of the Bishop.

† A list of the names of these, to whom many of the present citizens of New-Orleans can trace their ancestry, is published in the 3d vol. of the Hist. Coll. of Louisiana.

CHAPTER X.

THE CURRENCY OF THE COUNTRY.

WHEN, in 1716, the company began to send people to Dauphin Island, and then to Old and New Biloxi, there was almost no money in public circulation, except some Spanish and a little French silver, brought by individuals, who used it to buy of the old settlers some little luxuries, such as salad, milk, &c., the latter selling at Dauphin Island as high as forty sous the pot.

The company's goods were not paid for in money. When anybody wanted anything, he made out a statement or list of the articles, and presented it to one of the directors of the company, who, after deducting what he thought proper, wrote on it an order for the storekeeper. The applicant then went to the store to receive what was on his statement, and that amount was deducted from the total he was entitled to receive. In a word, the notes of officers, clerks and employés, were then current in the community, and passed for money.

Afterwards, when all were assembled at the capital, as the people in the province could not share in the happiness of those who lived in France, who made fortunes by bank-bills then greatly in vogue, they resolved to make some at last of another kind, and paper money was made from fifty sous to fifty livres. For the advantage of such as could not read, they were made so that by mere inspection a man could tell the value of his note by the way it was cut. In the middle were the king's arms, with the number of the note on one side and the payee's initials on the other. The value was marked below thus, "Good-for," &c. These cards were signed by the

treasurer, commandant, and commissary ordinator. It was forbidden to refuse them in trade, even on the king's or company's vessels. Yet, in spite of the precaution of having two different signatures, it certain that counterfeits to a pretty considerable amount were in circulation.

Scarcely had it been invented when small copper coin began to arrive. It had on one side two L's saltier, and on the other the legend "Colonie Française." This copper money had been struck at Rochelle.

I have said that even vessels were forbidden to refuse paper money: but, after all, they had no interest in so doing, for when ready to clear for Europe, they received bills of exchange on France, on paying into the company's treasury the sum received in notes. But this was not the case with individuals who wished to return. Either to compel them to stay, or for some other reason, they obliged them to exchange their paper money for Spanish dollars at considerable loss. In 1728, in the time of the company, the dollar, worth only five livres in French silver, was rated at ten crowns paper money; but ten years after, when the company had surrendered its charter to the king, the dollar sold only for seven livres, ten sous. At the present time, I hear that a royal commissary, an intendant of marine, who had gone to the colony, has stopped the circulation of paper money, and that French silver alone is now current.

On the whole, however, it must be remarked, that money of any kind can be of use in that country only to such as live in the capital or its vicinity. As for the settlers in distant posts, I never could see how they needed money; all their trade with the Indians is by exchange. But it is time for me to speak of the different posts formed in the interior of the country, either for the security or advantage of those settled there.

CHAPTER XI.

THE POST OF BALIZE.

AFTER the *Sieur de la Tour* had, as I have already stated, completed the plan of New-Orleans, he went down to the mouth of the river St. Louis (Mississippi) with the *Sieur de Paugér*, second engineer, whom he appointed to establish there a post called Balize,* (the buoy,) to serve as a guide to vessels wishing to ascend the river. This was undertaken in 1722. For this purpose they took a heap of large trees, canes and brush-wood, which the river in its floods brings down to the mouth, and which, gathering at a point on the left as you enter, have formed a pretty wide ground. On this tongue of land is a hole, which has been very often sounded, though they could never find bottom. It is remarkable that if you insert into it a long, straight cane, heavy at one end, and drive it down with all your might, it will come out a quarter of an hour after, and rise almost out of sight in the air with the velocity of an arrow.

On this ground the *Sieur de Paugér* built a fort which cost the company a great deal, for not a single pile was put there that was not driven in by hard work, and the whole is built on piles. It has a fine battery of cannon, which covers the anchorage and defends the entrance of the river, a church, barracks, store-house, and dwelling for the captain commanding, all built of wood, on the surface of the ground.

What I have said shows that this post was established not only to show vessels from France the way, but also to

* This post no longer exists. The magazine, and part of the fortification, was swept away into the river, and a new Balize was established, by Don Ulloa, for the accommodation of the pilots, in 1768.

close the entrance to strangers and enemies; there is, accordingly, a company of soldiers with a captain always stationed there to guard it. This garrison lives pretty well in winter, as game is abundant, but, from the beginning of spring through the summer, they have to go pretty far inland to get even water to drink, for the mouth of the river is then brackish. It is true that the fishery is always abundant, but meat is more nourishing than fish, so that they take care to pickle goose, duck, teal, bustard, and sometimes crane legs, which, with a little salt pork, carry them through the hot weather. Even vegetables succeed but poorly at this post; some, however, raise Milan cabbage, but they rarely come to a-head.

CHAPTER XII.

THE POST OF THE NATCHEZ; OR, FORT ROSALIE.

THIS post is a hundred leagues from the capital, up the river St. Louis, and was begun in 1717 by the Sieurs Hubert* and Le Page,† before any concessionary had arrived in the province. Le Page had already begun to cultivate a plot, a league and a half from where the capital is now, but he abandoned it to go to the Natchez with the Sieur Hubert, and built a place there. The latter, besides being a settler, was also commissary and director. He was a man of talent; and of all that part chose, a league from the bank of the river, what he deemed the most

* "M. Hubert was the king's commissary of the colony. He sided with the new governor, L'Epinay, in his animosity against Bienville, and charged him with being a pensioner of Spain, who was bribed to check the settlement of the colony."—*Martin*.

† M. le Page afterwards published a History of Louisiana, in which he makes free use of Dumont.

excellent spot, where he raised a house, which he called St. Catharine's. He had a great idea of this post at the Natchez, so that when there was a talk of forming a second establishment, he advised building the capital there and making merely a depot of New-Orleans. The opinion of M. de Bienville, the commandant, prevailed; for having been a very long time in the country, where he came with his brother, M. d'Iberville,* the famous navigator, he was believed to know better than any other the most proper locality for the capital of the colony. This did not discourage the Sieur Hubert; he went to France in hopes of carrying out his views, and his project having in fact found favor with the minister, he was about to return to Louisiana, when he fell sick and died. After his death St. Catharine's was sold to the Sieur de Koly, and passed into his hands.†

As the soil at Natchez is excellent, many Frenchmen, soldiers and workmen, after obtaining their discharge, went and settled there, and new dwellings were built. Most bought their lands of the Idnians of the place, who lay more than a league and a quarter from the river bank, in five villages half a league apart. That called the Great Village, the residence of the great chief of the tribe, was built along a little river called White River, St. Catherine's Creek. West of this village the French built a fort on a hill and called it Fort Rosalie.‡ It was merely a plot twenty-five fathoms long by fifteen broad, inclosed with palisades, without any bastion. Inside near the gate was the guard-house, and three fathoms off along the palisade ran the

* See *Historical Collections of Louisiana*, vol. iii., p. 10—20.

† Sieur de Koly was afterwards massacred by the Natchez.—*Hist. Coll. of Louisiana*, vol. iii., p. 155.

‡ This fort ("Rosalie,") was built by Governor Bienville in 1716, on a bluff overlooking the Mississippi, the remains of which are still to be seen.

barracks for the soldiers. At the other, opposite the gate, a cabin had been raised for the residence of the commanding officer, and on the right of the entrance was the powder magazine. At this post the company maintained a company of soldiers, with an ensign, sub-lieutenant, and a captain to command. South of the fort was another little Indian tribe called the Tioux, who willingly traded with the French, but some years after abandoned their village to go and settle elsewhere, and before leaving sold their ground to one of the richest settlers in the country, the Sieur Roussin.

It is certain that the ground at Natchez is the best that the French can boast of having in all Louisiana, both for its natural fertility and for its being elevated, and thus not subject to be covered by the inundations of the river. And this does not prevent its having a number of fertile plains and valleys. This canton would be very favorable for the culture of the vine, which would succeed perfectly, as would tobacco, indigo, wheat, flax, hemp, &c. Silk worms, too, might be raised, the forests being full of mulberries, with leaves much larger than ours. This post is indeed somewhat removed from the water, but this can be remedied by cisterns; it may too be not impossible to find springs. Besides, the Indians of that tribe seemed much disposed to live on good terms with the French, as may have been remarked from all that we have said. For some articles of merchandise they would serve as hunters or even slaves, digging the ground, or bringing wood, water, and whatever was needed. In fine, this establishment began to prosper, and there was ground to hope that it would one day be very flourishing, when an unfortunate accident blasted in an instant these fair hopes, as we shall show.

CHAPTER XIII.

FORT NAQUITOCHES.

FORT NAQUITOCHES is situated on Red River, so called from its sand, which is really of that color. It is called by Joutel, in his map, the river of the Oumas; it is seventy-five leagues from the river (Mississippi), and as you ascend it, it runs W. N. W. A French post was established there in 1718.* The fort is a square palisade, where a little garrison is kept as a barrier against the Spaniards, to prevent their entering Louisiana. In 1722, the commandant of this post was the Sieur de St. Denis, Knight of St. Louis, and cousin of the commandant of the colony. He was a famous voyageur, who had not only been to Mexico, but had also visited almost all the Indians of that great continent, whose languages he spoke very well. He was, besides, a good captain and a brave soldier, dear to the French, beloved by all the Indians friendly to the nation, and a terror to their enemies.

The ground of this post is not bad. Tobacco succeeds pretty well, except that it seems full of saltpetre, which induces the belief that the ground in that canton is strongly impregnated with nitre, and that very productive saltpetre works might be established there. This post is but a short distance from some rocks where silver mines have been found. A Canadian voyageur named Bonhomme, while hunting in that quarter, stopped two days to rest, and tried some of the ore; he brought

* This post was established by M. Bienville. In 1719 M. de la Harpe proceeded with a detachment of troops as far as the Nassonite village, one hundred and fifty leagues above Naquitchos, and established a fort there, in about the parallel of 33° 35' N. lat. —See *La Harpe's Journal in Historical Collections of Louisiana*, vol. iii., p. 69.

back a lump as large as an egg, which, though not well purified, seemed very good silver. Forty leagues from this post the Spaniards have on this same Red River a post they call the Cado-de-Kious, where La Salle's companions passed after the death of their chief.*

CHAPTER XIV.

THE ARCANÇAS POST.

THIS post is properly only a continuation of the establishment formed by the French around the house which Joutel and his companions reached in the month of July, 1687,† and where, before arriving, they perceived a cross planted, which consoled them in their pains and hardships. From that time to the present the nation has always remained in possession of that territory; and when M. le Blanc sent men to take possession of the grant made him on the Yazoux River, a hundred and forty leagues from the capital, the little garrison, kept till then by the company at that place, retired to the Arcanças post, then commanded by the Sieur de la Boulaye. There is no fort in the place, only four or five palisade houses, a little guard-house and a cabin, which serves as a storehouse... This French post was established as a stopping-place for those going from the capital to the Illinois.

When the new settlers were scattered through the colony, each grantee of a concession went to take possession of the ground

* It appears from this remark, that notwithstanding the settlement made by De la Salle, in Texas, as early as 1686, the Spaniards continued to push their claims to this country, and established missions throughout Western Texas, as far as the banks of the Adayes, within a short distance of the Naquitoches, up to 1718.

† See Joutel's Journal in *Historical Collections of Louisiana*, vol. i., p. 174.

assigned him ; the people sent by Law came and settled about a league from the Arcanças post in the depths of the woods, where they found a beautiful plain surrounded by fertile valleys, and a little stream of fine, clear, wholesome water. This settlement began to prosper—pavilions were already erected for the officers, and cabins for the workmen, almost all, as I have said, were Germans, married men ; large store-houses were even built, and every thing seemed to promise that it would soon become flourishing, when those who composed it, learning the fall of their patron, disbanded. Most of them abandoned the post and returned to the capital, intending to cross over to Europe ; but the council of the country opposing this design, they chose a place ten leagues from New-Orleans, where each one settled on his own account. This place, now called the German coast, was commanded, when I left Louisiana, by the *Sieur d'Arensbourg* ;* the ground was very well cultivated by the new settlers, who were by no means indolent, and this place may be considered the garden of the capital.

In 1721, some visionaries having assured the company that there was an emerald rock on the Arcanças River, Captain de la Harpe was sent to look for it. He had with him a detachment of twenty-two men, with the *Sieur de Franchomme* as lieutenant, and one Bessan for sergeant, and, as I was then at the Yasoux as lieutenant and engineer, he took me along as mathematician. We ascended the river for more than two hundred and fifty leagues, without being able to discover this pretended treasure, probably because it existed only in imagination ; we even advanced nearly fifty leagues further by land into the country, till complaints arising in the troop, the *Sieur de la*

* This distinguished Swedish officer was sent out to Louisiana in 1722, at the head of 250 Germans, by the famous John Law. His sword is still in the hands of his descendants in Louisiana.—*Gayarré*.

Harpe, who apprehended a fate similar to La Salle's, resolved to retrace his steps and return to the capital. If, in this expedition, we had not the good fortune to discover the emerald rock, which gave it rise, we had the satisfaction of traversing a very beautiful country, fertile plains, vast prairies covered with buffalo, stags, does, deer, turtles, &c. We saw rocks of jaspar marble, at the foot of which lays slabs cut by nature's hand, others of slate and talc, very fit for making plaster. I have no doubt there are gold mines in the country, as we discovered a little stream which rolled gold dust in its waters. At some distance from this stream in the Arcanças River itself is a salt spring, though it is nearly three hundred leagues from the sea. With care and labor it would undoubtedly furnish salt.

CHAPTER XV.

THE ILLINOIS FORT.

It seems almost unnecessary to speak here of this fort, which has been called Fort St. Louis, as a description of it may be found in the Journal of the Sieur Joutel.* Nevertheless, I deemed it not unnecessary to remark, that since the time when that author passed through, that is, 1687, the appearance of the post has greatly changed. Instead of the then existing fort, of mere logs and palisades, there is now one of stone, well fortified, containing fine barracks and store-houses, with a very convenient house for the commandant. It has a pretty good garrison, many settlers, both French and

* See Joutel's Journal in *Historical Collections of Louisiana*, vol. i., p. 183.

Canadian, and a large and beautiful church, served by the Reverend Father Jesuits, who, by their zeal for the propagation of the faith, their preaching and good example, have succeeded in converting almost all the Illinois Indians to Christianity. These tribes now, in fact, form but one nation with the Canadians and French, and intermarriages daily take place between them.

The winter here is very severe; the river St. Louis is sometimes frozen so hard that you can cross boldly on foot from one side to the other. In 1719, a mining company, commanded by the *Sieur Renault*, was sent there to work at the silver and lead mines, and it is certain that some were opened. The enterprise was subsequently abandoned, for what reason we know not. On the whole, they grow as good wheat here as in France, and voyageurs bring down cargoes every year to the capital, where it sells at ten francs a quintal. They also bring excellent hams. Beaver are plenty in that country, and a kind of little water-rat, which, I was told, produced musk, though I would not vouch for it. In 1735, the *Sieur Dartaquette* commanded at this post, which is 500 leagues from the capital, and lies in lat. 45 deg. N., long. 276 deg.

CHAPTER XVI.

THE MISSOURI POST.

As it was known that the company in France readily favored any proposition made for the advancement of the colony of Louisiana, an officer represented that it would be advantageous to form a post on the river of the *Missouris*, in the vicinity of an Indian tribe of that name. This project was

approved, he was named commandant of the new post, repaired to New-Orleans, showed his orders, received three boat-loads of provisions and necessaries for the execution of his plan, and some soldiers, to act first as boatmen, then as garrison of the fort he was to build. They sailed up in 1720, and on arriving were well received by the Missouris, who gave them a suitable site for the new establishment. A palisade fort was at once thrown up, with a cabin within for the commandant and officers, and another for the soldiers' barracks.

All went on peaceably at the new post, where they lived in perfect harmony with the Indians, when the commandant, who had formerly rambled much in those parts, and spoke their language very well, endeavored to persuade some of them to go with him to France, where he told them he would show them everything fine. At the same time he told a thousand wonderful stories of that country, so that by dint of presents and promises he succeeded in getting eleven to follow him, with the great chief's daughter, who was, it was said, his mistress. The voyage being thus decided on, the commandant embarked in some piraguas with these twelve Indians, and a sergeant named Dubois, leaving his lieutenant in command of his fort and garrison; then descending the river St. Louis, they landed at New-Orleans, whence, after some days' rest, they embarked for France. No sooner had they arrived than the commandant proceeded with them in all haste to court, where they were presented to the king; thence they were taken to the Bois de Boulogne, where they hunted a stag in their way, that is, by running. In a word, they pleased the court. They then appeared at Paris, and danced Indian dances at the Italian theatre. The girl became a Christian, and was baptized at Notre Dame, after which Sergeant Dubois married her, and in consequence of this alliance was made an

officer, and commandant of the Missouris. What advantages could not now be expected from the conversion of the great chief's daughter, and her marriage with a Frenchman! She received presents from all the ladies at court, and from the king himself; nor were her Indian companions forgotten—they all received fine blue coats, trimmed with gold, and laced hats. In fine, they set out very well satisfied, and repairing to L'Orient, embarked to return home. As for the commandant, who had brought them, he remained in France, where he had just been made a knight of St. Louis, and afterwards married a very rich widow.

The voyage of M. and Mme. Dubois and their suite to America was a very prosperous one; all arrived in good health at New-Orleans, and while they remained there to rest, were supported at the expense of the company, which also furnished them a boat, with soldiers and boatmen, to carry them to their village. On their way they passed to the Natchez, then to the Arcanças, and at last arrived at the Missouri. What joy for those Indians to see once more their countrymen, whom they had given up for lost, and see them return rich, and loaded with presents! On their arrival there were dances and games in all the village. Mme. Dubois remained at the fort, and went, from time to time, to visit her family. But, either because she did not love her husband, or that her own people's way of living suited her better than the French, the boats which brought them had scarcely left, when the Indians massacred the Sieur Dubois and butchered the whole garrison, not one escaping; after which Madame Dubois renounced Christianity, and returned to her former mode of life, so that the post no longer exists.

CHAPTER XVII.

FORT MOBILE.

I HAVE now only to speak of Fort Louis de la Mobile,* built by the French on a river of that name, which empties in the bay opposite Dauphin Island. The fort, which is only fifteen or sixteen leagues from that island, is built of brick, and fortified by four bastions, on Vauban's system, with half-moons, a good ditch, a covered way and glacis. It contains a storehouse, barracks for the numerous garrison always kept up here, and a pavilion for the commandant, who was, in 1735, the Sieur Diron Dartaguet, royal lieutenant of the province.

I confess that I do not understand why this fort was built, nor of what utility it can be ; for though it is a hundred and twenty leagues from the capital, descending the river, yet all that is needed for the support of the garrison must be brought from there, so poor and sandy is the ground on which it stands, producing only fir and pine, and a few vegetables, by no means of the best. There are, consequently, very few settlers there. The only advantage enjoyed by the post is a mild and healthy climate, and a facility for trading with the Spaniards, who are quite near. The winter is not very severe, and is the most convenient season, as game is then abundant. In summer, however, the heat is excessive, and while it lasts they live only on fish, which is very plentiful on the coast and in the rivers.

* The first fort of Louis de la Mobile was built at the mouth of Dog River, in 1702, where the remains of it, with some iron cannon, was seen by Bartram the botanist, in 1777. This site was afterwards abandoned, and another selected in 1711, by the French commandant, at the mouth of Mobile river, where the city is now built.

Such are in general the French posts, first established by the nation, and manned by our troops. A new one was subsequently formed at Pointe Coupee, of which I will speak hereafter. I now return to the affairs at the capital.

CHAPTER XVIII.

ARRIVAL OF THE ROYAL COMMISSARIES AT NEW-ORLEANS—ESTABLISHMENT OF A COUNCIL IN THAT CAPITAL.

WHILE the colony was thus endeavoring to extend and plant itself firmly in the province of Louisiana, by forming different posts and establishments, the capital daily increased by the number of new settlers, who came and took sites to build. At first, as I have said, very neat wooden houses were raised, brick was then used, but in general all are built *sur sole*. In a word, New-Orleans began to assume the appearance of a city, and to increase in population, when two commissaries of the king arrived in 1722, sent by his majesty to dispense justice. They had left France in the ship *Venus*, which anchored at Ship Island, where a boat took the two commissaries on board, and brought them to the Bayou St. John, whence they came on foot to the city, and made their entrance, accompanied by two Capuchin Fathers. Their coming being unexpected, occasioned considerable surprise. The two commissaries were the Sieurs du Sausoy and De la Chaise.* As soon as they reached their residence, which was merely a

* De la Chaise was the nephew of the celebrated Jesuit Father of that name. He was sent by the India company, in 1723, to exercise inquisitorial powers over the affairs of Louisiana, and to report on the conduct of the administrators of the colony to government.—*Gayarré*.

wooden house, built with boards on the sides, and a roof of cypress bark, they received the felicitations of the commandant-general of the country and his whole staff; after which they immediately entered on the duties of their office. It is useless here to detail the innumerable complaints then brought before the tribunal; it is enough to state, to their credit, that they administered justice to all with most perfect impartiality. Among the rest the soldiers of the Yazoux garrison, where M. le Blanc and his associates had an establishment, felt its effects, for on their representation of the vexations, injustice, and monopoly practised by their commander towards them, they were not only reimbursed by a fine, which that officer was compelled to pay them, but he even had the mortification of being broken. In a word, all the colonists blessed God and his majesty for the arrival of the commissaries, and though their joy was damped by the death of one, the Sieur de Sausoy, who was carried off by the spotted fever, after an illness of three days, they were consoled by the health of the other, whose impartiality never wavered, and who, from Royal Commissary became Ordonnateur of the Council, enabled them, till his death, to enjoy the benefit of his equity.

Soon after the arrival of the royal commissaries, the Galatée anchored before the capital, bringing from France several persons, intended to form the council about to be established. The chief were the Sieurs de Bruslé, Perry, Fazende, and Fleuriau, the last of whom was both councilor and attorney-general. In the course of time some others arrived, so that insensibly the council filled up. Then nothing was wanting in the city but a lieutenant of police, who is absolutely necessary.

CHAPTER XIX.

FIRST INDIAN HOSTILITIES AGAINST THE FRENCH—A PARTY OF CHICKASAWS SURPRISES A FRENCH CABIN.

It was about this time, that is, 1722, that Indian hostilities broke out against the colonists. A hundred and sixty leagues from the mouth of the river St. Louis is a river called Yasoux, where M. le Blanc and his associates had, as I have said, a concession lying five leagues above the mouth of that river. The post was very prettily situated, and a fort* had been built to defend it against the Indians. However, two sergeants of the garrison chose grounds in the neighborhood, which they improved on their own account, and even built cabins, where they persisted in sleeping, in spite of numerous warnings that some accident might befall them, thus out of the fort at night.

This misfortune happened but too soon for Sergeant Riter, one of the two, whose cabin was the more distant from the fort, and lay on a rising ground. While sleeping there one night with his wife, and a son some fifteen or sixteen years old, a party of ten or twelve Indians glided noiselessly by the clear moonlight into his cabin, the door of which was closed by a mere curtain. They did not get in so quietly as to avoid awakening the sergeant; he immediately put his hand out of bed, and seized his gun, and after calling several times, "Who goes there?" tried to fire when he received no answer; but, unfortunately, of seven or eight guns that he had, he had chosen the only one unloaded, so that the Indians seeing his arms useless, sprang on him before he had time to change,

* This fort was called St. Peter's. A short distance above the fort were the villages of the Coroas, Offegoulas and Oatsees, built upon mounds artificially made.—*Historical Collections of Louisiana*, vol. iii., p. 65.

dragged him out of bed to the middle of his cabin, scalped him, and gave him in the back a blow, with a kind of tomahawk, (*casse tête à fleur de lys*), which went right through him. While some were engaged in treating the poor fellow thus, others seized his wife, and took her out of the cabin to a ravine, intending to carry her off to their village as a slave. Meanwhile the sergeant's son, awakened by the noise, got up in his shirt, and reaching the door, made for the fort, crying with all his might for help. One of the Indians perceiving it, pursued him and wounded him with an arrow, which went through his wrist. The boy fell, and the Indian sprang on him to scalp him, but as his skin was too tender and delicate to undergo the operation, it came off in strips; he then tried to cut his throat, but fortunately only cut the skin. During all this cruel mangling the poor boy, either because he had fainted or pretended death, uttered no cry; this saved his life, for the Indian, supposing that he had killed him, left him weltering in his blood, and returned to the cabin.

On the other side, the sergeant's wife, when led to the ravine, seeing herself guarded only by two Indians, and believing her husband and son both massacred by the savages, resolved to avenge their death and expose herself to the fury of their murderers, rather than be carried off a slave. While leaving the cabin she had caught up a wood-cutter's knife, which she slipped up the sleeve of her chemise. At a moment when her guards least expected it, she drew it, and dealt one so furious a blow that he fell dead at her feet; she drew it out and struck the other, but less successfully, giving him only a deep wound. At his cry, his companions ran up, and the brave woman fell, pierced with arrows.

This expedition was not gone through so quietly as not to awake Sergeant Desnoyers, who was asleep in his cabin, only

a short distance from the scene of this bloody tragedy. He arose, and hearing a noise near Riter's cabin, fired a musket, which alarmed the fort. A party of armed soldiers immediately ran out, and on the way, found the sergeant's son, whom two carried back to the guard-house. Meanwhile, the musket which had been a signal for the soldiers to sally out, had warned the Indians to decamp; they did so instantly, carrying off all they could from the cabin. When the soldiers got there, they found the poor sergeant on the ground stripped even of his shirt, and weltering in the blood which flowed from his wounds. They put him on a litter, and carried him to the fort to the guard-house, where his son was. The latter, seeing the eagerness of M. Bailly, the surgeon, to dress his father's wounds in spite of the state he was in, could not but exclaim: "Alas! help me first, my father is old, and cannot get over it, while I am young and may escape." The commandant of the fort would not let the surgeon probe their wounds nor apply any remedy, intending to be their Esculapius himself. He had a kind of flesh-colored stone about the size of a nutgall, which he put for some time in warm water, till it had colored it; then, with this water, he syringed the wounds of both, and bound them up, and then, without removing the bandages, wet them with the same water every five hours. In a week both were perfectly cured, having nothing left of their wounds but the scars. The surgeon had no hand in this cure but the sewing up of the boy's throat.

Meanwhile, the detachment which had left the fort was in pursuit of the Indians, but with all their efforts could not overtake them. They were, too, overtaken by a storm and violent rain, which made them come back much quicker than they had gone. On the way the soldiers found many things taken from the sergeant's cabin, as stoves, kettles, &c., which

the Indians had thrown down on the way. They also found several carved sticks scattered here and there on the ground, which showed that a Chickasaw party had struck the blow. Sergeant Riter's wife was also found, and near her the body of the Indian whom she had killed with her own hand ; but both bodies had been scalped by the Indians before their departure, leave no trophy to their enemies.

There was then an Illinois in the fort, who, seeing the French return without overtaking the enemy, undertook to avenge the blow. He asked the concession store-keeper for some powder and lead, and having got it, set out, and returned three days after with three scalps, which he had taken from three Indians whom he had killed in their way, that is, while asleep or off their guard. Of these three, one was the Indian wounded by Sergeant Riter's wife; and the others, two companions assigned to accompany him and help him to walk. The Illinois was rewarded for his bravery, and seemed quite satisfied with the presents, which he received on that occasion.

About a fortnight after this sad accident, which happened on Whitsun-eve, there came to the fort either the very Indians who had struck so treacherous a blow, or others of the same tribe, bringing the calumet and presents to the commandant. They were very well received, and were even shown the sergeant and his son, but either from the shock of such a visit, or from his wound opening at the approach of his assassins, he was taken with a violent fever which carried him off three days after. His son escaped, and by the protection of the illustrious master in whose concession he served, obtained entrance into the Invalides the next year.

CHAPTER XX.

*ONE OF THE DIRECTORS OF THE CONCESSION OF ST. CATHARINE'S
WOUNDED BY THE NATCHEZ INDIANS.*

THIS act of hostility on the part of the Chickasaws was soon after followed by another accident, which showed that the Natchez were not better disposed towards us. The establishments formed among the Indians of that name were not got up in the same way as in the other cantons of the province, where, on choosing a site at pleasure, it sufficed to present a petition for it to the council, who never failed to sign it, after inserting certain clauses: this act supplied the place of a contract of sale, and was a title for lawful possession of the lands ceded.

On the contrary, those who first settled at Natchez bought the ground they intended to occupy of the Indians actually on the spot, who, by this trade, became attached to the French, and friendly towards them.

Things were in this state when the inconstancy or malignity of these Indians gave rise to an event, productive in its results of very sad consequences. It may be, too, that the Sieur Guenot drew on himself the misfortune which happened; at all events, it was suspected that he was attacked only because he had in some way offended the Natchez Indians of the White Apple Village. He was one of the directors of the concession of St. Catharine's, and one day, when he had been to dine with the commandant of Fort Rosalie, he was wounded in the right arm by a musket-ball fired at him by an Indian, as he was crossing a wood on his way home. Happily the wound did not prostrate him; he pushed on and reached the

concession, where the *Sieur de St. Hilaire*, the surgeon, gave it a first dressing.

The Indians on their side, vexed at having missed their blow, turned all their fury against another Frenchman, a soldier in the garrison, by name *La Rochelle*, who lived in an isolated cabin a short distance from the fort, and who, believing that he had nothing to fear from the Indians, had even neglected to close it by a door. One night while he was asleep, they entered, killed and scalped him.

The French needed no more to see that the Indians had declared war against them. *Guenot*, justly apprehensive of falling into their hands, abandoned his house and returned to the capital, both to avoid a worse mishap and to have his wound cared for. It was in a good way and gave hopes of a speedy and perfect cure, but refusing to follow the surgeon's advice, to mortify his inclination and avoid drinking, gangrene set in and he died.

The commandant-general of the country was no sooner informed of these two acts of hostility committed by the *Natchez* Indians, than he resolved to avenge them. For this purpose he ordered a number of troops to embark in four boats under the *Sieur Paillou*, who was acting major-general in the colony. This little army reached *Natchez*, and was preparing to attack the Indians, when the *Stung-Serpent*, then great chief of the nation, came to present the peace calumet to the general, and in a harangue, assured him that he ought not to attribute the acts of hostility complained of to the Indians of the *Great Village*, nor those of *Flour Village*, but to those of *Apple*, *Jenzenaque*, or *Gray Village*. That besides the Indian who had committed the deed had lost his sense when he did it, that is, was drunk, and was not now in the village; that on the whole his people were friendly and well inclined to the

French, so that it was useless to come and declare war upon them; that his nation did not wish a war with the French, and that he asked for peace.

The Sieur Paillou, learning from the people of St. Catharine's that the blow had in fact been struck by the Indians of White Apple Village, replied to the Great Chief, by Sieur Papin, the interpreter, that he liked his reasons, which appeared just and legitimate, but that it cost a good deal to cure the wounded Frenchman, and that, if he wished peace, it was but right he should pay something as a compensation. The Stung-Serpent agreed; he taxed the three villages, White Apple, Jenzenaque and the Grays, to furnish a certain quantity of poultry per cabin, which were all brought in. As soon as they were put in the boats the troops re-embarked and returned to the capital. Thus ended the first expedition in a composition, which they preferred making with Indians, who still seemed to prefer their friendship to running the risk of an uncertain war.

CHAPTER XXI.

CONTINUATION OF INDIAN HOSTILITIES.—THE COMMANDANT MARCHES AGAINST THEM.

THIS peace was not of long duration; and I may almost say that the French general and his troops were scarcely at the capital, when the Indians resolved to repay themselves for so much poultry furnished against their will. This time indeed they did not go so far as to attack the French in person, but they ravaged St. Catharine's concession, killing the cattle and even the horses belonging to it, when they found any.

This settlement had none to defend it but a small number of workmen and some negroes; so, seeing themselves daily exposed to the persecution of the White Apple, Jenzenaque and Gray Indians, they applied to the commandant-general of the country, begging him to take them under his protection and defend them against these outrages of the Indians. That officer, wishing to establish order, resolved to go to the spot in person; he chose of the colony such troops as seemed best to accompany him, armed five boats and some piraguas, and, setting out about the middle of October, reached Natchez at the end of the month. On its way up the St. Louis this little army stopped four days at the Tonicas, whose chief, a Christian and a good warrior, joined the French with a party and followed them in the war.

It must be remarked, that the Terre Blanche concession, which had, as we have elsewhere said, been established at the Natchez, had, after first belonging to the Cléracs, been ceded to M. le Blanc and his associates, who had previously settled at the Yazoux. At the time we are speaking of, this concession was commanded by a brave officer named the Sieur de Liette (Le Sueur).

As soon as the commandant-general arrived at the Natchez,* he proceeded with his staff to Sieur Barneval's, who then commanded Fort Rosalie, and supped there. After supper, he ordered several pieces of Rouen cloth, which he tore in strips and distributed to all the Indians attached to the army, with orders to tie them on the arm, so that the French who accompanied them, and were ignorant of the distinctive marks

* This is what is called the second war of the Natchez. The expedition consisted of about seven hundred men, under the command of Bienville, who left New-Orleans for the Natchez country in the month of October, 1723.—*Gayarré*.

of the several nations, might by this mark at least recognize those of the friendly tribes. Besides the Tonicas I have mentioned, the army had been joined by some Yazoux Indians and by a party of Chactas, commanded by Redshoe.*

In the morning, the commandant wishing to give the enemy no time to fortify or even escape, put his troops in march in two columns towards the concession St. Catharine's, the place assigned as a general rendezvous for the army. It was composed of the company's troops, soldiers of the Terre Blanche concession, several townsmen, Canadians and volunteers from the capital, and some of the Natchez settlers. The first column followed the high road leading from Fort Rosalie to St. Catharine's; the other took a little path across the prairies and dales; the whole army having met at the rendezvous, passed the night there, sleeping in the open air under arms, awaiting the general who slept at the fort, where the Stung-Serpent soon came to ask pardon for his nation. He avowed that the people of White Apple, Jenzenaque and the Gray Village, were really in a state of insurrection, which he himself had been unable to put down. All that he could obtain of the commandant was, that his vengeance should extend only to those three villages, with a promise to spare his Great Village and the Flour (Corn) Village for his sake, as he knew that the latter had taken no part in the recent outrages.

The next day, the commandant having arrived, the army was set in motion towards White Apple Village, defiling across the woods by narrow paths, where the soldiers had to pass in Indian file. It was All-Saints'-Day. All the troops marched in silence, so as to succeed in surprising the enemy. On the way, they came to a cabin where three squaws were pound-

* In Poore's Documents, Boston, is a copy of an English captain's commission to Redshoe.

ing maize at the door to make sagamity. As soon as they perceived such a number of French in arms with Indians in war paint, they instantly left their work, and entering the cabin, closed the door. It was a mud-cabin, and there were inside three men, who, seeing by the loop-holes in the wall that they were the subjects of the French, seized their guns and began to fire through the openings; but as there were only three, the French arranged themselves so that no one was hurt. Meanwhile, a recent settler at Fort Rosalie, wishing to profit by the commandant's promise, that whoever took a squaw might keep her as a slave, in hopes of carrying off one of those he had seen, and without observing the risk he ran, left the main body and ran up to the cabin door. He seized it with one hand at the top to pull it down, but as it was merely of dry canes bounded and interlaced on two cross canes, one of the three men inside took aim at him across the canes and shot him through the heart. The Frenchman fell dead, dragging the door with him, and there leaving a free passage to any one who would avenge him. A settler, a good gentleman of Bearn, named the *Sieur Mespleix*, undertook it; he entered the cabin at the moment when the Indian had fired, and instead of killing him, as he could have done with his musket, he ran up to seize him in hopes of having him as a slave, if he took him alive. The Indian not having time to reload, and seeing the Frenchman approach, struck at him with the stock of his gun, but missed him, and the *Sieur de Mespleix* at the moment seized him around the body and carried him out of the cabin. When he got out, the commandant ordered one of our Indians to kill and scalp him, having resolved to give no quarter to the male portion; at the same time he promised the settler to give him the first woman taken by our Indians. As for the other two Indians they were

killed by some Frenchmen who had meanwhile entered the cabin. One of them, the *Sieur Tisser*, had caught two of the squaws, who had hid under a bed; the third was taken by another settler.

After this first expedition the army resumed its march on White Apple Village, but the shots fired had warned the Indians to decamp, and they had all dispersed in the woods or in the neighboring villages, so that on reaching there the army found but empty cabins. They halted in the village square, and the commandant, thinking that the Indians might go to the deserted cabin and scalp the Frenchman, sent a party to burn cabin and body. He then set fire to the village, and as the day was waning, the army resumed the road to St. Catharine's.

They arrived there at nightfall, and spent four days resting without anything new transpiring. On the fifth, the commandant divided the army into two corps, and put the *Sieur Paillou* in command of one, with orders to take the same route as before, and putting himself at the head of the other, he marched on the village of the Grays, which he reached by roads worse even and more difficult than those I have already mentioned. No Indians were found there, but merely a temple and some scattered cabins, all which he reduced to ashes. Meanwhile, the troops were dying of thirst, and as each tried to find some water, a settler found accidentally a squaw, probably more than a hundred years old, as her hair was quite white, a thing very unusual with the Indians. He took her to the general, who, after questioning her and finding where the water was, abandoned her, as a useless burthen to the earth, to a little slave of his, who scalped and killed her. The army then continued its march, meeting the same difficulty and fatigue, obliged every moment to cry out, "Halt in front," and the next, "Close up rear." Certain it is, that had the Indians had

courage or sense enough to assemble and lay ambushes in some ravines, they could have cut the whole army off.

At last they got out of the woods and defiles, and the troops having entered a vast plain, the grass of which had been burnt, they discovered at a distance a hostile Indian armed with a gun, apparently on the look-out, examining our army. As soon as he was seen, a Frenchman named Maréchal earnestly begged the commandant to permit him to run on the Indian, which he refused; but at last, overcome by his importunity, he agreed. Maréchal dashed off like an arrow, without his musket and with only a knife. The army, uncertain as to the issue, halted to witness the result. The Indian, seeing only one unarmed man approach, believed himself strong and skilful enough to meet him; he awaited him coolly, and, as he came within gunshot, fired, but missed him. He then fled across the prairie, pursued by his enemy, who at last overtook him and plunged his knife in his back. The Indian fell at the blow and the Frenchman on him; but, the next moment, the latter was up, and shouting the death-cry, scalped his enemy, and came in triumph to present the trophy to the general, who in return ordered some goods to be delivered to him.

Soon after, Redshoe, chief of the little Choctaw party that had followed the army, having perceived four women running away, pursued, took and brought them to the general. He questioned them, and by their answers learned that, half a league off, at the Jenzenaque Village, fifty Indians awaited us stoutly, resolved to conquer or die. On this the army wheeled about, and the Tonica chief took the lead, marching right on the enemy. Some time after, a strong cabin was discovered built on a height; here it was believed the Indians were to be found. The drums beat at once and the fifes struck up, and the army, forming in a square battalion, advanced on the cabin.

The Tonica chief who was at the head first reached the height; he approached the cabin, examined it, but found it empty. The Indians had abandoned it, and so precipitately, that they had left behind some guns, balls, and horns full of powder. The Tonica chief taking a turn around the height perceived below him one of the enemy's chiefs, called "The Little Sun," or rather they both at the same instant saw each other, aimed and fired. The Tonica chief stretched his enemy dead on the spot, but fell himself dangerously wounded. The ball that struck him had entered his mouth, gone through his cheek, and, glancing along the breech of his gun, had broken his shoulder-blade.

The Indians seeing him fall and believing him dead, raised frightful cries and yells, but some Frenchmen running up found that he still breathed. They lifted him up and laid him on a litter, and putting him in the centre of the army, all marched back towards St. Catharine's; but being surprised by night, had to encamp in a prairie, where each one lighted a fire to warm himself, for they had no tent or covering; they had not even brought provisions. About midnight the Indians began to fire some blank cartridges, as they always do when near an enemy, to show him that they are on their guard. Unfortunately, the Terre Blanche company, commanded by the Sieur de Liette, was unaware of this Indian custom, and believing it to be a sudden attack of the enemy, seized their arms and were already marching to the spot where the firing was, when the commandant, informed of the mistake, sent an aid-de-camp to order them back to their quarters.

The next morning at daybreak the army resumed its march, and at nine o'clock reached St. Catharine's, where a strong detachment was left to protect that settlement against the outrages of the Indians; the rest of the troops retired to Fort

Rosalie, where De Liett's company was disbanded, and returned to Terre Blanche. The commandant meanwhile was thinking of bringing the war to a close, but he did not wish to do so without making it cost the Indians not poultry, as it did at first, but blood worth shedding. In this state he summoned the Stung-Serpent, and the latter having instantly presented himself, the commandant told him that he revoked his promise not to attack the Great Village, as he learned that they harbored his enemies. To this the great chief, who was really our friend, made no answer, but a request for peace. "I grant it," said the general, "but on these terms. You know that there is among your people a negro who formerly belonged to the French : bring me his head and that of Oldhair, chief of White Apple Village, and promise me ever to regard the French as your friends and brethren ; on these two conditions, I will grant peace." Now, this negro, whose head was demanded, was a free black, who, instead of settling among the French, had gone over to the Indians, and even made himself head of a party. It was justly feared that he would teach them our way of attack and defence, and it was thus absolutely necessary to get rid of him.

The Stung-Serpent submitted to all required of him, and asked only three days to perform it. This was granted ; and two days after he brought Oldhair's head, and the negro's the day after. Then the commandant, seeing the war ended, left orders with the commandant of Fort Rosalie, and also for the great chief, and returned to the capital, after having restored peace and tranquillity in those countries.*

* See Memoirs of the first Natchez war in *His. Coll. of La.*, vol. iii., p. 241.

CHAPTER XXII.

RECALL OF THE COMMANDER OF THE COUNTRY TO FRANCE—LOSS OF THE BELLONA.

DURING the Natchez war died the Sieur de la Tour, lieutenant-general and brigadier of engineers in Louisiana; he was succeeded by the Chevalier de Loubois, who was sent to the province as king's lieutenant. Sometime after, that is, in 1725, the ship *Bellona* having arrived at New-Orleans, the captain delivered the dispatches, of which he was the bearer, to the commandant-general, who found them to contain an order from the company to return to France. He immediately prepared to embark, and having taken leave of his friends, went to Mobile, and thence to Dauphin Island, to await the same vessel, the *Bellona*, which was to take him to Europe. In fact, the ship had no sooner taken in her cargo, than she sailed out of the river, and anchored in the roadstead of Dauphin Island. Here an accident at once befell her—her shallop upset in the Major's Hole; happily no one was drowned, and the shallop was saved; but as this happened on Holy Saturday, their departure was postponed till Monday, on account of the great festival of Easter.

At daybreak on Monday, the shallop and canoe were let down to go to Dauphin Island, to bring on board the commandant, and his brother, who was to accompany him, as well as their baggage. They had hardly reached land, when they heard signals for help from the *Bellona*—two cannon fired in succession, followed, after an interval, by two others, this being a usual signal at sea. The weather was delightful, there was not a breath of wind, yet the ship was going down, some

planks having started near the keel. In this pressing danger, each sought to escape impending death ; some tied themselves to the yards and cordages, awaiting the return of the boats, others jumped overboard, and swam to the Heron Islands. A father was drowned trying to save his son. At last the ship went down, with all her cargo, no part of which could be saved. This was a serious loss for the company. After this accident the commandant returned to the capital, where he spent four or five months, and then embarked on the Gironde, leaving the direction of affairs in the hands of the *Sieur de Boisbrant*, captain of the Illinois country, whom the company had appointed as commander in his absence. Since the period of the Natchez war a change had also occurred in the council ; the *Sieur de Salmon* was sent out from France as *commissaire ordonnateur*, in place of *M. de la Chaise*, who had died.

CHAPTER XXIII.

NEW TROUBLES WITH THE NATCHEZ INDIANS.

As the captains sent by the company to command in each post remain only as long as the commandant-general thinks fit, the *Sieur de Barnaval*, commandant at Natchez, was replaced by the *Sieur de Liette*, who was, in turn, succeeded by *Sieur Broutin*, as commandant of Fort Rosalie, and at the same time director of the Terre Blanche concession, where there were many workmen and negroes to superintend. *Sieur Broutin*, finding it impossible to be in both places at once, chose to remain at the concession, and left me to command at the fort in his absence.

The post was then in great tranquillity, and the Indians, after the last war, had begun to live on good terms with the French, when an accident happened, which, but for the prudence of the commander, might have caused new troubles. They had at Terre Blanche live stock of all kinds, oxen, cows, bulls, horses, &c., which went every day to graze in the plain. Now it happened one day that an Indian struck a mare on the left side with a lily-headed tomahawk, and as this did not satisfy him, cut off her tail. This is regarded among the Indians almost as brave and valiant a deed as bearing off a scalp, and was consequently a declaration of war. The mare was fortunately found in this state, and brought to the concession, where a veterinary surgeon cured her.

Sieur Broutin determined to have reparation for this act of hostility, and being not averse to sounding the intentions of the Indians, who might have attacked the mare only because he did not dare to attack the French personally, sent for the Stung Serpent. He came immediately, and when asked by the commandant whether he and his people were tired of living on good terms with the French, asked, in turn, why such a question was put to him. Sieur Broutin explained it, and even showed him the mare; but the Stung Serpent protested that the blow had not been struck by any one in his nation, and even wished to lay it on the Little Tioux tribe, who lay about two leagues west of the Great Village, and one south of Fort Rosalie. On this answer, Sieur Broutin at once dispatched a messenger to Bamboche, who was considered the head chief of the Tioux, to summon him to speak with him. He came, but when the commandant stated what had happened, and what the head chief of the Natchez said of his village, the Tioux chief, who was a rogue at bottom, maintained that this could not have come from any Indian in his

village, as no one had a tomahawk of that description, and that it was beyond a doubt the work of the Stung Serpent's own people, as they had many in their five villages. Offended at this answer, the Stung Serpent abruptly left, saying: "I see what it is; I will set all right." He returned to his village, and assembled his chief men.

As soon as he was gone *Sieur Broutin* armed his troops, and sent a messenger to the fort to tell me what was going on. On this news I loaded the cannon of the fort, beat to arms, assembled all the settlers by firing a cannon, and warned them to be on their guard, and retreat to the fort, with their wives and children, as soon as the cannon was fired again. These precautions were, however, useless; the Stung Serpent, hearing the cannon, at once imagined that the French were about to make an attack on his villages, and to prevent it, set out with his chief men to present the calumet of peace to the commandant of *Terre Blanche*. He at first declined, and told the great chief to return to his village, and that he would bring him another calumet there. At last, however, he yielded to the Indian's entreaty, as he earnestly begged him to receive him and his people as friends; but in the address which he made, he asked whether it was right that the concession should lose a mare in that way. The Stung Serpent agreed that this was not fair, and to repair the wrong, he condemned every cabin in all the villages of his tribe, including the *Tioux*, to furnish the concession a basket of corn, which was all brought in in a week. At the same time *Sieur Broutin* intimated to the great chief that it was not enough to have made peace with him, unless he made peace also with his lieutenant, who commanded at the fort, and was no less displeased than himself. This induced the Indians to come to *Fort Rosalie*, where I was similarly regaled with the

calumet, the whole garrison being under arms while the ceremony lasted. The corn, obtained by this contribution, would more than have paid for a whole regiment of cavalry, as there are only two baskets in a quarter of wheat, containing 120 *pots*, which then sold at thirty livres. Thus the prudence of the commander on this occasion prevented our nation's becoming the sport of the Indians, who, at bottom, liked the French, and paid quite dearly for the fault of an individual.

Sieur Broutin did not remain long at Fort Rosalie after this event, but was recalled to the capital, and succeeded by Sieur de Tisinet, who, to acquire the friendship of the Indians, showed them how to build palisade forts, in the French fashion, acting here against my advice. This new commander remained not more than a year at Natchez, when he was succeeded by Sieur de Merveilleux, who protected the inhabitants of the post, by whom he was equally loved, and under whose government the French always lived in perfect harmony with the Indians.

CHAPTER XXIV.

ARRIVAL OF A NEW COMMANDANT AT THE CAPITAL—THE SIEUR CHOPART SENT TO NATCHEZ.

BOISBRIANT had not commanded over a year in the country, when a new commandant arrived, when least expected. He was a brave officer of the marines, a knight of St. Louis, by name Sieur Perier, in whose praise it may be said that he made himself equally dear to the troops and settlers, by his equity and beneficent generosity. Scarcely was he installed in his post, when all the country began to flourish more than

ever. All vied in forming new establishments, the officers even, imitating the commandant, began plantations. The company having sent some negroes, as it did, from time to time, the *Sieur Perier* divided them with the greatest impartiality, without favoring any, and gave some to several settlers, who had never been able to get any since they came into the country. If a house was burnt, he was the first to lend a hand to rebuild it. If any dispute occurred between two settlers, he heard them apart, then face to face, and rendered justice without preference or distinction. In a word, he was at once beloved and feared throughout the country, ever ready to render a service to those who had recourse to him, and punishing with severity, when the fault deserved it.

Under so just a government, each one set about completing and improving his new establishments; and the settlements formed at Natchez, though a hundred leagues from the residence of the new commandant, prospered more and more every day, by the care he took to supply the post with all that could render it solid and flourishing. This state would, undoubtedly, have lasted, had they not at the same time recalled *Sieur de Merveilleux*, who, as I have said, then commanded at Fort Rosalie. His successor was *Sieur Chopart*, who was no sooner in his post, than, instead of seeking to secure the friendship of the people, whom he came to direct, thought only of tyrannizing, ill-treating all whom he suspected of not being his friends, trampling on all justice and equity, always inclining the balance in favor of such as he wished to favor, despising even the royal ordinances, and neglecting the service to such a degree as to leave it in the hands of sergeants, who, seeing themselves no longer controlled by officers, abused the power given them.

There was, as I have said, at the *Terre Blanche* concession,

then belonging to the Marshal Duke de Belle Isle, a company of soldiers, maintained to preserve the concession property, and defend the laborers engaged there. *Sieur Chopart* undertook to draw them off on his mere authority, and leave only eight soldiers and a corporal. The *Sieur Desnoyers*, then director of the concession, at first opposed his pretensions, but as *Chopart* told him, in an absolute tone, that he would have it so, and the director, as an officer of the company, being subordinate to the commandant, was forced to submit.

This was not the case with a lieutenant* of the fort garrison, who had commanded at the post under *Sieur Broutin*, and who, witnessing the crying injustice done by the commandant to one of the settlers, opposed him resolutely. He thus drew on him indeed the anger of *Chopart*, who, by stratagem, put him in irons; but the officer having managed to escape, reached the capital, and laid his complaint before the commandant-general, who immediately summoned *Chopart* from Natchez to answer for his conduct. The affair having been brought on, the lieutenant had entire satisfaction in open council, where the commandant at Natchez was obliged to confess himself guilty. He would even have been broken, and never returned to his post, had not the commandant-general been forced to pardon him by the pressing solicitations of persons who sided with him. He did not, however, send him back, till he promised to treat the settlers more favorably, and change his conduct entirely.

* The author of these memoirs.

CHAPTER XXV.

SIEUR CHOPART'S CONDUCT.—ORIGIN OF THE LAST NATCHEZ WAR.

THIS little disgrace humbled, but did not correct Chopart. He did not, indeed, after his return to Natchez, ill-treat the settlers; his violence and injustice sought another object. He had brought from the capital some negro slaves, intending to form a permanent establishment at Natchez. His aim was to make a fortune in a little while; but this required a good ground; the best was already taken, and he could not drive out the settlers already in possession, without exposing himself to a reprimand at the capital. In this embarrassment he struck on a means: it was to turn to the Indians, from whom he thought he had nothing to fear. In fact, one fine day, he went to begin his first plantation in White Apple Village, drove an Indian from the ground he occupied, and even from his house, in which he put some negroes to till the ground and a French woman to take care of them. The Indian came to complain, and some goods were given to pacify him, but in vain, as he did not deem them enough. More was promised, but only to keep him in play, without any intention of giving anything.

Chopart did not stop here. One day he went to walk to the Great Village. The Stung-Serpent was no longer head chief of the Natchez nation: he had died, and his successor was a relative of Oldhair, the White Apple Chief, whose head had been required by the French in the last war. Arriving at the village, Chopart remarked that the position was a fine one, being a beautiful plain, intersected by the little river St. Catharine, and immediately resolved to seize it for a plantation. It belonged indeed to a friendly tribe, whom he would have to dis-

possess, and by his violence make our enemies, but this was nothing. In this resolution the commandant returned to his house, which lay on the first level reached after ascending from the water's edge—a pretty rough hill by a winding road. Not far off was the house of *Sieur Bailly*, who had succeeded *De la Loire des Ursins*, as judge and commissary at the port. The latter, finding himself thus put out of office, had chosen a place on a ground between *Fort Rosalie* and *St. Catharine's*, and had begun to build there.

The commandant, considering that the site of the Great Village just suited him for a country-seat, and that the fine plain around would give him a great income, resolved, as I have said, to seize it. With this view, he ordered the great chief to come and see him, and the latter came, accompanied by his chief men. The *Sieur Chopart*, by *Papin*, the interpreter, told him that the great chief of the French at New-Orleans, the *Sieur Perier*, had written to him to order the *Natchez* to leave their Great Village, as he needed it for some large buildings. To so astounding a proposition, the great chief and his council replied, that "their nation had long been in possession of that village, and lived there; that the ashes of their fathers reposed there, deposited in the temple which they had built; that, moreover, the French had never yet taken lands by force; that, if they had settled on their lands, the nation itself gave them sites in hopes of obtaining protection and defence against their enemies, and even that many Frenchmen had given goods to the Indians in payment of the lands they occupied." But, just as their representations were, they made no impression on the commandant's mind, and could not change his resolution. He told the great chief that he cared little for his reasons: that the great chief of the French must be obeyed, so that they must instantly prepare to leave their village; that, if they thought

fit, they might go and build another village a league further off.

The great chief knew well that his village was already too far from the river, as it was at least a league and a quarter from it, yet seeing that he could not move the commandant, he pretended to yield to his demands, and asked only two moons to have time, he said, to choose a fit place for their new village, and prepare it. This was granted; but, as all Chopart's views tended only to enrich himself by all kinds of means, he told them that as he had, of his own good will for the tribe, granted this delay, without the knowledge of the great French chief, who would perhaps be displeased at his not executing orders strictly, it was but fair to pay him for it; and he named a certain quantity of poultry, pots of bear oil, baskets of corn, and skins, to be given him. The great chief, who now only wished to get out of his hands, agreed to all he asked; and Chopart, whose head was turned by success, to assure all by frightening him, warned him not to fail, threatening him that, in case he did, he would send him bound hand and foot to New-Orleans as soon as the boats came up to Natchez. After this conversation, they parted, the Indians much displeased at what was demanded of them, and the French commandant resolved to have their land without its costing him either presents or goods.

CHAPTER XXVI.

CONDUCT OF THE NATCHEZ—THEIR RESOLUTION ON SIEUR CHOPART'S PROPOSITION.

As soon as the Indians returned to their village, the great chief, his warriors and great men, assembled instantly; many secret councils were held to resolve on means

to prevent both their lands being taken and the great chief being conducted as a prisoner to the capital. Several propositions were made, but all rejected; at last, after weighing several plans, all of which might secure their property and liberty, they decided on the barbarous resolve of massacring not only the commandant at the fort, but even all the French, and ridding the country of them. After this they sent deputies in every direction to bear the calumet to the different Indian nations scattered through the colony, and portray the tyranny which the French wished to exercise over them by driving them from their land, and to ask their aid in repelling these acts of violence and usurpation. The Choctaws were the first and hottest in embracing their quarrel; they undertook to destroy all the French on the lower part of the river, and for the execution of this design fixed the day which ended the two moons granted by the commandant; but as these people cannot count, they exchanged with each other as many little sticks or matches, as there were days, till that fixed for the bloody butchery. After this negotiation, which was kept very secret among the Indians, the deputies returned to their village, bearing the fatal bundle of sticks given them. These the great chief immediately carried to the temple, where they keep a kind of perpetual fire.

The Indians meanwhile remained tranquilly in their village, taking no steps to find another site; a thing, which of itself, should have excited the suspicions of *Sieur Chopart*, had he been capable of prudence at all. Every morning the great chief went to the temple and cast one of the little sticks on the fire, the last of them being the signal for the day of the frightful massacre. It might have been general throughout the country, but God watched over the other posts, and seems

to have abandoned only Natchez to the fury of the savages, to punish the intolerable and crying injustice of its commandant.

It was 1729, and, towards the close of October, a galley had left the capital loaded with sundry effects and merchandise for the Natchez post, which began to flourish by the numerous houses raised there. The crop, too, had been that year very abundant in tobacco, wheat, maize, potatoes, &c., and they were actually building a large store-house for the company. The galley reached Natchez on the 28th of November, bringing Sieurs de Koly, father and son, who had just come from France to see the fruit of all they had expended for their concession of St. Catharine's, and who, not finding the commandant at the fort, were proceeding to his house on horseback. In fact, the Sieur Chopart, accompanied by Sieur Bailly, judge and commissary of the post, and the Sieur Ricard, store-keeper, had that day gone to the Great Village, where he had sent some refreshments, with wine and brandy, by negroes, intending to enjoy themselves there. There, while gazing on the beautiful prairie where the village lay, he already saw in his imagination his house, his gardens, his barns, his store-houses, the huts of his negroes—in a word, he already traced in thought the plan of the beautiful and agreeable seat that was to reward his injustice and violence.

CHAPTER XXVII.

GENERAL MASSACRE OF THE FRENCH BY THE NATCHEZ.

AFTER tracing in thought, as I have said, the plan of his new seat, the Sieur Chopart, followed by his company, went to visit the great chief, by whom he was well received; the

Sieur Ricard, storekeeper, acting as interpreter. They drank and enjoyed themselves, and spent the night in revelry until three o'clock in the morning, when the French retired to the fort to recover from the fatigue.

Meanwhile, the fatal sticks had reached an end, and that very day the Indians were to execute the horrible plot they had premeditated. Although they had kept their enterprise very secret, it had nevertheless crept out; some Indian women and girls, who loved the French, and were actually their mistresses, could not but tell them all, and warn them to take care of themselves when the great chief came to present the calumet to the commandant, telling them that their countrymen would use that sign of peace to cover their design of massacring all the French in the country. The interpreter, Papin, was informed of it, as well as the Sieur Macé, sub-lieutenant of the garrison at the fort, and four or five others. Even the day of this bloody execution was told: it was on the 29th of November, St. Andrew's-eve. On these tidings, Chopart had scarcely got in, when Macé, who was moreover his comrade, came to tell him all that he had heard; but far from giving it the least attention, the commandant treated him as a coward and visionary, charged him with trying to impose on him, by exciting unseasonable suspicions against a friendly tribe, by whom he had but a few moments before been so well received, and as a reward for his report he ordered him to put himself under arrest. The next moment, Sieur Papin came to make the same report; far from listening to him, he put him and four or five others in irons. After this he went to bed, first telling the sentry at his door to let no one into his room till nine o'clock the next morning.

Certain it is, that, warned as he was, he might very easily have prevented the misfortune which happened, had he

chosen; to disperse the storm, it would have been enough to put the troops under arms and fire a cannon even without ball; but, either because wine and the table had troubled his judgment, or that he was unfortunately prejudiced in favor of the Indians, or that he believed them incapable of daring to execute such a design, he would never take any measures to thwart it; and, as his injustice provoked, so his obstinacy crowned the evil and made it remediless.

During all this time the Indians were preparing to enact the last act of this bloody tragedy; and in order to take, so to say, all the French at one haul, they lay in troops near Terre Blanche,* St. Catharine's and the fort, where the soldiers had their muskets indeed, but not a charge of powder. There was not a settler, in whose house there was not an Indian under some pretext,—some coming to pay what they owed, others coming to beg their friends to lend them a gun to kill a bear or deer that they had just seen by their hut; some, too, to pretend to wish to buy goods; and where there were three or four Frenchmen there were at least a dozen Indians, who had orders from the chief not to act till he gave the signal.

Measures being thus taken, the great chief set out from his village, attended by his warriors and great men, with the calumet raised aloft, beating the ceremonial *pot*, and bearing to the French commandant the reward which he had exacted for the two moon's delay granted the Indians, and which consisted of poultry, bear oil, wheat, furs, &c. This troop passed by the foot of the fort, singing and whirling the calumet before the soldiers of the garrison, who had run up to see the procession.

* Terre Blanche, or, the Great White Apple Village of the Natchez, (now a part of Col. A. Hutchen's plantation,) was situated about twelve miles south of the city of Natchez, three from the Mississippi, and within a short distance of Second Creek. Here, beneath bowers rivaling those of Tempe or Arcadia, was the sweet and lovely home of this most interesting tribe of Indians.

The Indians advanced thus in cadence, with measured steps, towards the commandant's house, who slept, however, unconscious of all the goods they were bearing. On their way they passed by the company's old storehouse, where the Sieur Ricard lived. He was already up, and had gone down to the shore to discharge the galley and put the cargo in safety. They at last reached the Sieur Chopart's house.* Awakened by the noise of the man beating the pot and the cries of the Indians, he rose *en robe de chambre*, and made the cortege enter. They offered him the calumet, and laid at his feet the presents required to save the great chief of the Natchez from being sent in the galley to the capital tied hand and foot. What goods displayed before the eyes of the commandant! what jars of bear oil arranged in his view! He admires these presents with complacency, laughing in his heart at the vain credulity of those who would have excited his suspicions against his Indian friends; he orders them to be set at liberty to witness with their own eyes what is going on, and see how improbable it is that men thus loading him with presents, could have formed a plot for exterminating the French. They danced and sung, and meanwhile a part of the great chief's troop drew off and proceeded to the galley discharging by the river side. There, each Indian picked out his man, took aim, fired, and stretched him dead on the spot. At this signal, which all the other Indians awaited, the massacre of the French began on all sides; in less than half an hour more than seven hundred were killed, some pierced by their own arms, others beaten down or assassinated. Of the whole garrison,

* Chopart's house was situated just below the fort (Rosalie,) upon a point jutting out towards the river. The earthquake that destroyed New Madrid in 1811, also sunk a portion of this celebrated fort, leaving but a portion of one of the bastions to mark the site where the massacre took place.

only one soldier escaped. *Sieur Macé*, who had left the guard-house, was killed entering his own dwelling; the *Kolys*, father and son, who had arrived the night before, were killed at their own concession of *St. Catharine's*, with the *Sieur de Longraye*, who was director. The same fate befel *Sieur Desnoyers*, director of *Terre Blanche*, who had come in that very morning from the *Yazoos* with several *piraguas*, accompanied by the *Sieur Coder*, French commandant of that post, and a Jesuit father, (*Du Poisson*.)^{*} Both were enveloped in the general massacre, and the commandant was scalped, for his hair was long and very beautiful.[†] I could not end, were I to attempt to express all the cruelties then perpetrated by the Indians on men to whom they had been previously so much attached. Several French women attempting to defend their husbands, or avenge their death, were themselves pitilessly cut down by the savages.

Amid this general massacre of all the French, *Chopart* remained alive, as if Providence chose to reserve him to witness the destruction of so many settlers solely through his fault. He saw it, but too late. Rising from his chair he fled to the garden, instead of seizing his gun to defend himself. He whistled for the soldiers of the garrison, but they were no longer alive, and he could see around him, through the palisades of his garden, the earth strewn with their lifeless bodies. He was himself surrounded by Indians, who panted for his blood, yet none would lay hands on him; they regarded him as a dog, unworthy of being killed by a brave, and summoned the *Puant* chief, who killed him with a club.

^{*} Father *Poisson* was one of the first missionaries sent among the *Arkansas* Indians. See a translation of his graphic and interesting journal in the appendix to this work, by *Kip*, from the *Lettres Edifiantes*.

[†] See *Historical Collections of Louisiana*, vol. iii., p. 151, for an account of this massacre, from the *Lettres Edifiantes*.

CHAPTER XXVIII.

SEQUEL OF THE MASSACRE.—FRENCH WHO ESCAPED.

I HAVE elsewhere said that the *Sieur de la Loire des Ursins*, after having been judge and commissary at Natchez, had formed an establishment on the road between the fort and St. Catharine's. The very day of the massacre he had received information of the attack to be made by the Indians on the French, and he had in consequence armed all on his place, consisting of an Indian slave, on whom he could rely, a Frenchman and woman, and a natural son that he had had by a woman of that very Natchez tribe, whom he had called *Rosalie*, after the fort at the post. After taking these precautions, he hid his best effects in a secure place, and set out on horseback for the fort to announce what he had heard. Some Indians had been prowling all the morning around his house, but they let him pass, as the signal had not yet been given, but he had scarcely got in sight of the fort when the massacre began, and he saw at a distance the butchery of the garrison. At this, he wheeled about to regain his house, but the Indians blocked up the way and fired, though they did not wound him. He turned again towards the fort, which the enemy had now abandoned to descend to the foot of the hill; there, he halted to breathe his horse, and started off again in hopes of forcing a passage at a gallop and reaching his house, but after escaping several shots on the way, another laid him dead just as he was about to reach it.

Those whom he had left there, seeing themselves attacked, held their ground, and sustained a kind of siege all day long,

against a large party of the Indians—fired on them, and wounded several—the French woman keeping all supplied with powder. This heroine was killed at last, but they held out, till a heavy shower compelled the enemy to retire. Then, profiting by the darkness, they left the house and reached the river, where they found a piragua at the stern of the galley, and getting in, made their escape. They afterwards asserted that the Indians then in the galley were dead drunk, and that, had there been thirty Frenchmen together, they could have destroyed all the butchers.

Night, also, enabled the only surviving soldier of the garrison to make good his escape. When the massacre began, he was at the foot of the height on which the fort was built, putting wood in an oven run into the hill-side itself. Seeing the bloody work around, he drew the wood out, and creeping in, lay there all day till darkness enabled him to escape.

Sieur Ricard also escaped, but in a manner almost miraculous. I have said that he went down to the river in the morning to discharge the galley. Seeing the first volley fired by the Indians on our people, he sprang into the river and swam to the neighboring wood, where he lay hid till night. He then left his retreat, but not daring to follow the shore for fear of falling in with the enemy, he went up to his neck in the water, and so descended the river to the place of one Rousseau, a potter, who had settled about a league from the fort. Arriving there and perceiving a light, he entered, but to his surprise found himself in the midst of a party of Indians, who made him go to the fire and warm and dry himself, gave him food, and even one of their piraguas and provisions to enable him to escape. They were the Yazooos, who had come down that morning with the Sieur Coder, and whom the Natchez had not drawn yet into their plot.

Two other Frenchmen, Postillon and Louette, were not both as fortunate. They set out in the morning together for Terre Blanche; but on reaching a height which overlooked the concession, they beheld at a distance the Indians massacring the French. At this sight they stopped, and not daring either to go on or to return to the fort in broad day, they hid themselves in the woods till night. Then they started, not by the ordinary route, but across the woods and meadows. In this way they reached the company's old storehouse, where they saw a light. Postillon, looking through the keyhole, took those inside for Frenchmen; he knocked; the door was opened, but when he got in he found them to be Indians, dressed in the clothes of his butchered countrymen. As soon as they saw him among them they gave him a glass of brandy and talked a moment with him; then, giving him a second glass, they knocked him down, laid his head on a block and severed it from the body with a blow of an axe. Louette saw from without the reception given his comrade, and deeming it inexpedient to put up with such pleasant hosts, started off for the river, in hopes of finding some craft there to get in. Passing by a cabin he thought he heard people talking French, and went in; they were French women, taken by the Indians, and assembled there under the guard of one of their tribe. As soon as the women saw him, they cried: "What brings you here, poor Louette? Run! the French are all killed." He took the advice and escaped.

One Canterelle, seeing what was going on, shut his house during the massacre, and lay hid all day in his garret with his wife, no Indian daring to enter. When night came, they both took what was most valuable, and started out across the woods; but on the way Canterelle remembered that he had left behind some important article, and telling his wife to wait for

him at a place he named, started back. On his return he could not find his wife, who had either missed the way or been taken by the Indians; but while looking for her, he fortunately struck on a piragua, in which he escaped. Some other Frenchmen swam across the river and reached a cypress grove, where Couillard,* a master-carpenter, was preparing building materials. They told him the state of affairs, and warned him to fly.

CHAPTER XXIX.

CONDUCT OF THE INDIANS AFTER THE MASSACRE—THEIR CRUELTY.

ALL the French women who survived the massacre were made slaves by the Indians. They killed some, such as the wife of Sieur Papin, the interpreter, and Mme. Macé, the wife of the sub-lieutenant, who was killed coming out of the guard-house. The other French women became the property of those who had taken them; the great majority, however passed to the service of the great chief and the white woman, who, as we have seen in the previous portion of these memoirs, is a kind of empress in the nation, and the stock from which all who govern must spring. Among those thus disposed of was my wife, who had been taken like the rest, and from some of those who escaped I learned all the details of the massacre. For my own part, I happily escaped the common misfortune, having started the night before for the capital. All these women were employed by the Indians in making

* This should read "Perricault," who, after his escape, wrote a MS. journal of all that passed in Louisiana from 1700 to 1729, which is now deposited in the *Bibliothèque du Roi, Paris*.

shirts to give as presents to those who came to bear the calumet to their warlike nation, which had just signalized itself by so great an exploit. Two weeks after, they were sent to the galley to take out the little left there by the Indians, after which they fired the galley, fort, and all the French houses, which were thus reduced to ashes.

Of all the French established or living at the post, the Indians had spared but two, whom they reserved for their usefulness, and the advantage they hoped to derive from them. One, Mayeux, a carter, was employed in carting to the Great Village all that had belonged to the French—provisions, furniture, effects, goods, even the cannon of the fort, with their carriages, as well as the powder, balls and bullets found there—in a word, all that had belonged either to the company, or to the settlers and grant-holders, was carried to the great chief's, and he there distributed it among his subjects. In carrying it the Indians also employed the negro slaves scattered on the plantations, who had by that fatal day recovered their liberty.

The other Frenchman spared was a tailor, named Lebeau, whom the Indians kept to alter the French clothes to fit them. As this tailor's wife was very old they killed her, to make him marry a younger one, and employed him in surprising several of his countrymen, who but for him would have escaped their barbarity. Three or four days after the massacre, they heard in the woods, near the landing-place, a plaintive voice, which seemed to ask help. No Indian durst go and see what it was, so the tailor was sent to speak to him. He asked him who and what he was, and promised him, on behalf of the Indians, that if he surrendered at discretion no harm should befall him. He was the storekeeper of the Yazoos, by the name of Le Hou, who had come to Natchez with the Sieur du Coder, of whom I have spoken, and had been wounded in several places

while defending himself when the Indians attacked them. On Lebeau's word he surrendered to the Indians, who, after bathing his wounds with brandy and treating him quite well, made him undergo at night the same course as Postillon, and cut off his head.

A few days after, the Indians perceived a piragua, in which some voyageurs were descending the river, unaware of what had occurred at Natchez. The tailor was ordered to hail them; he obeyed, but the piragua was no sooner within gunshot of the shore, than the Indians, ambushed there to meet it, rose, gave the war-cry and fired on them, killing three of the five who were in it; the fourth escaped to the woods and reached the Tonica village; the fifth, who was sick, fell into the hands of the savages.

When they had this poor wretch in their hands, they began by stripping him, blacking his body with coal-dust, bound his hands, and in this state made him run to the village, firing blank charges at him, with their muzzles touching his body. On reaching the village, he was presented to the great chief, who condemned him to be burnt with all their usual ceremonies. The Indians immediately proceeded to prepare, in the square before the temple, a wooden frame, consisting of two perpendicular posts and two cross-pieces, to which the prisoner was to be attached. When this was all ready, and dry canes had been got to burn him, the wretched victim was sent for, and his race from the village to the temple was as fearful as the first. On his way, the poor fellow, exhausted by weariness and thirst, met a French woman, then a slave, carrying a jar of water on her head; he begged her to give him a drink, and she had the courage to do it, although she knew that she exposed herself to the fury of the Indians, who are not tender-hearted. After this he continued his race and reached the

place, where death was to close his sufferings and his life. When bound, with his two arms extended on the frame, in the Indian fashion, he saw some French women, and called to them to pray to God for him, telling them that his name was Gratien, and that he had been a workman in Le Blanc's Yazoo concession. Scarcely had he uttered these words, when the Indians, armed with bundles of lighted canes, began to burn him slowly, applying them to his sides, thighs, breast, back, sides and face, so that he underwent a long and painful martyrdom.

About the same time an Indian child happened to die, and the child of a French woman was taken and strangled—"to go," they said, "and attend on the deceased in the land of souls." Certain it is, that had the great chief or the white woman died at that time, it would have cost the lives of probably all the enslaved women.

CHAPTER XXX.

THE NATCHEZ INDUCE THE YAZOOS TO FOLLOW THEIR EXAMPLE.—NEW MASSACRE OF THE FRENCH BY THE LATTER.

WE have seen, in the previous chapters, that a party of the Yazoos came to Natchez on the very day of the massacre, and that it was these Indians who had so seasonably and generously aided the *Sieur Ricard*, the storekeeper, to escape in a pira-gua they gave him. But it must be observed that when they did him this service they were unaware of the designs of the Natchez against the French. They had left their village to come and present the calumet to the Natchez, but arrived at the moment when they were preparing to execute the plot which had been brewing for the last two months; the Natchez

had not only deemed it inexpedient to let their visitors into their design, for fear of discovery, but, through the great chief, had asked them to postpone the calumet ceremony for some days. This induced them meanwhile to retire to the house of the Sieur Rousseau, who had gone down to the capital with his family a few days before. It was therefore only three or four days after the massacre that the Yazoos presented the calumet to the great chief of the Natchez, who, in his harangue, recounted all that had occurred, and the reasons why his nation had so acted, exhorting them to follow the example, and massacre all the French settled among them at Fort St. Claude, assuring them that they were the only Frenchmen now alive in the country, the Choctaws having destroyed all those of that nation who lay on the lower part of the river. The Yazoos easily yielded to the persuasion of the great chief; they promised to execute what he advised, and were accordingly sent off loaded with presents, such as shirts, powder, balls, &c., and accompanied by some Natchez sent to encourage and second them in the attempt.

These Indians were ascending the river, ready to redeem their pledge on arriving at their village, when they perceived, at a distance, a boat which had landed some voyageurs, and resolved to take them. Landing with this intent they noiselessly advanced across the woods, and undiscovered came near where the voyageurs were, little expecting such a surprise. They were all on their knees, hearing mass, which a Jesuit father, (Doutreleau,) was celebrating. When he was at the elevation they fired both on the priest and his little flock; but the God whom they were actually adoring did not permit that any should be wounded, and they had time to re-embark. The only accident was, that, at the second volley fired by the Indians, the boatswain Dusablon, while pushing the boat off, was shot in the thigh, though fortunately the leg was not

broken. This Dusablon was the same one who, on the arrival of the first vessel which brought girls from France to Louisiana, had carried off the prize in a dispute with a comrade for the last one. Notwithstanding his wound he was able to get in. The boat was on its way from Illinois, and reached New-Orleans safely.*

As for the Yazoos, they continued their voyage to their village, and as soon as they arrived prepared to execute their promise to the Natchez. There was then at Fort St. Claude only a little garrison of about twenty men, with none to command but sergeants, the *Sieur du Coder*, the commandant of the post, having been killed at Natchez, as I have already related. Three or four days after their arrival, the Indians repaired to the fort in great numbers and dispersed in knots among the cabins, without any one thinking of opposing them; then, when no one expected, they fell on the French and massacred them all, not one escaping. Thus was destroyed the Yazoo post, which lay forty leagues above Natchez. This accident happened in the beginning of the year 1730.

CHAPTER XXXI.

CONDUCT OF THE CHOCTAWS—THEIR DISCONTENT—COUNCILS REPEATEDLY HELD BY THE NATCHEZ.

FROM what I have said till now, it is natural to conclude that the *Sieur Chopart* was the sole origin and only cause of the misfortune which befell these two posts. The Natchez, who naturally loved our people at first, aimed only at him, and re-

* See *Historical Collections of Louisiana*, vol. iii., p. 154, for another version of this incident, in all probability more correct, and drawn from the missionary's own account.

solved to massacre all the French, only because they feared to draw on themselves a cruel war, if they only cut off the commandant. Besides, they hoped that the Choctaws would keep their word and destroy all the French down the river, and in this way they were convinced that after the execution of their design they had no enemy to fear.

They were soon undeceived; God did not permit so dark a plot to succeed to its full extent. When the Choctaws promised the Natchez deputy to destroy the French down the river, they had agreed to make the attack on the same day, in order to secure the general massacre they intended, and it was to avoid missing this day that they exchanged bundles of little sticks.

The first of December was to have been the fatal day. Every day after the formation of the plot the chief of each nation burnt one of the fatal sticks; but it happened that one day the great chief of the Natchez went to the temple, and after throwing one of the sticks into the fire according to custom, turned to speak to the guard of the temple. At this moment his little son whom he had brought with him, wishing to imitate his father, took two and threw them into the fire: and the Natchez thus anticipated, by two days, the period fixed for the general massacre, and began the attack on the 29th of November.

As for the Choctaws, among whom no such mistake had occurred, they were punctual in keeping their promise on the appointed day. On the first of December they came in sight of New-Orleans to the number of six hundred, and had only Lake St. Louis to cross in order to reach the city. They now sent a deputation to Sieur Perier to ask leave to enter and present him the calumet. Notwithstanding the advantage apparently to be derived from accepting it, the commandant-

general deemed it imprudent to admit so large a body of Indians into the capital, and refused to receive them. He simply told them, that if their chief would come with an escort of thirty, he should be welcome. This refusal of the commandant disconcerted the Choctaws, who, on their way back vented their spite by killing some of the cattle belonging to *Sieur de Chaumont's* concession at *Pascagoulas*.

Soon after, these same Indians sent a considerable party to the *Natchez* to present the calumet to the great chief; and at the stake dance, the presents were in their eyes too insufficient, consisting only of coarse shirts, kettles, looking-glasses, vermilion, &c., without guns, powder or balls. The deputies, who had learned what had happened, were loud in their complaints against the *Natchez* for anticipating two days the general massacre of the French, calling them dogs, that wished to keep all for themselves, without communicating with those who had promised to help them, and that they had beyond all doubt been the cause why the great French chief would not let them pass to the capital. They threatened, too, to make them repent it.

After this first party of Choctaws came a second, who were not better satisfied with their presents than their predecessors. Hearing that the *Natchez* had killed a little French boy on the death of one of their children, and were even deliberating whether they should not kill all their slaves, as they were afraid they might cause a war with the Choctaws, the Choctaws striking the stake, forbid them to kill any of their slaves, women, girls, or boys, declaring that if they did, they would have to settle with them. These threats arrested the fury and cruelty of the *Natchez*, who from that time were troubled, held frequent councils, uncertain what resolution or steps to take.

CHAPTER XXXII.

*THE NEWS OF THE DISASTER AT NATCHEZ REACHES THE CAPITAL—
THE CHEVALIER DE LOUBOIS MARCHES AGAINST THEM.*

THE first who brought to the capital tidings of the disaster at Natchez was the *Sieur Ricard*, the storekeeper, and as he arrived, all terror-stricken and in a wretched condition, after the painful journey that he had just made, almost destitute of provisions, people believed, when he told his story, that he had lost his head, as no one could imagine that the massacre could have been as general as he said. But the confirmation of all that he had related soon came. *Couillard*, the master-carpenter, who had been at work with some men in a cypress grove near Natchez, hearing of what had happened, resolved to fly. They had two Natchez Indians who acted as hunters; they began by killing these, and then loaded a large boat with provisions, their tools and all that belonged to them, and went down the river. As they passed the galley they were saluted by a volley of musketry from the Indians on board, but no one was hurt; and on the third of December they reached New-Orleans, and confirmed all that *Sieur Ricard* had related of the disaster.

As with such formal testimony there was no longer room for doubt, *Perier* immediately proceeded to take measures to avenge so horrible a deed. With this view, he first sent to the Choctaws the *Sieur de Lery*, an officer who was perfectly acquainted with all the Indian languages, to gain that tribe to his interests and induce them to join him. Discontented as they were with the reception given by the Natchez to their recent deputations, piqued too at their breach of

promise in advancing the day of the massacre, the Choctaws easily entered into the commandant-general's plan of vengeance. They promised to serve the French in the campaign with all their forces, and instantly began to prepare provisions necessary for their march.

As soon as *Sieur Perier* heard this, he formed a little army, composed of troops and some settlers, and gave the command to the *Chevalier Loubois*, king's lieutenant. These troops embarked in several boats, with the necessary provisions and ammunition, and ascending the river reached the *Tonicas*, where they were welcomed by the great chief of that nation, who had entirely recovered from the wound received in the last expedition. Here they found several Frenchmen who had escaped the general massacre and reached this place by land, finding a welcome from the *Tonicas*, who entertained them hospitably. After paying their expenses and satisfying the claims of their hosts, the *Chevalier de Loubois* enrolled them in his troops; and as he did not deem his force large enough to march against the *Natchez* alone, he built a fort at this place, and awaited with his army the arrival of the *Choctaws*.

Impatient however at hearing nothing of them, he looked around for some volunteers to send out as scouts to learn the march of his allies, and especially what was going on at *Natchez*. Five offered, namely: the *Sieur Mespleix*, who had already distinguished himself in the first war; *Navarre*, a soldier and settler at *Natchez*, who had married an Indian girl there; the *Sieur de St. Amand*, a good gentleman, and two army drummers. The *Chevalier de Loubois* gave them all they asked, and they went up the river in a little *piragua* till within three leagues of the great *Natchez* village. There they landed and slept; the next morning at daybreak, after breakfasting perhaps a little too early, they marched on and reached

Terre-Blanche, where they found all the buildings in ashes. From this to the Great Village was only half a league, but instead of hiding or stealing noiselessly on so as not to be discovered, they advanced boldly, as though they had nothing to fear; accordingly they had not got within a quarter of a league of the village when they were surrounded by Indians. They then threw themselves into a ravine which formed a kind of entrenchment, and Navarre, who spoke the Natchez very well, harangued them as he fired on them, calling them dogs, unworthy to live: telling them that all the tribes were on the march to attack them, and that not one of them would escape. The Indians, who knew him, in vain called on him to surrender; his only answer was an incessant fire, in which he was imitated by his companions. At last, the Indians, despairing of taking them alive, fired and wounded Navarre and *Sieur Mespleix*; but the former, wounded as he was, stubbornly refused to surrender, and continued reviling them, till tired of his invectives they fired again and stretched him dead on the ground. Then *Mespleix* and the other three threw down their arms and asked for quarter.

As soon as they were in the hands of the Indians, they were taken to the great chief, who, addressing *Mespleix*, asked what brought him into their land. The Frenchman replied that he came, on behalf of his general, to know of him whether he wished peace with the French. "But," replied the Indian, "people that come to treat of peace do not fire. See, thou art wounded, and Navarre is dead." *Mespleix* answered, "that Navarre had lost his head from drinking too much brandy; that, for his own part, he had thrown down his arms as soon as Navarre was dead, so that he might learn of him, on behalf of his general, whether he wished peace with the French or not." The great chief replied "Yes," and ordered the four prisoners

to be set at liberty. He then called Mme. Desnoyers, wife of the director of Terre Blanche, who had been killed on the day of the massacre, and ordered her to write to the French general "that if he wished peace, he must for each slave furnish so many quarts of brandy, so many ells of limbourg," &c. This savage raised his pretensions so high, that had they accepted his terms, all the storehouses of the company and all the merchants of the capital could not have met his demands. Mme. Desnoyers wrote all that he wished, and availed herself of the occasion to expose to the Chevalier de Loubois the sad state of slavery to which she and her companions were reduced. She then handed her letter to the great chief, who gave it to one of the drummers taken, with orders to deliver it to his general, and bring back an answer in three days. Never indeed was a commission more joyfully accepted; the drummer started off at full speed, without ever looking behind him, and the same day reached the Chevalier de Loubois, whom he informed of all, and delivered the great chief's letter. That officer, as may be imagined, paid no attention to it, and consequently sent no answer.

During the three days given by the great chief for the drummer to return, Mespleix and his two companions remained among the French women, and were pretty well treated, always however kept in sight by the Indians, who were afraid they would escape. On the fourth day, however, the great chief receiving no answer to his letter, burst into a furious anger, and on the spot condemned them to death. They were at once stripped, blackened with charcoal and taken out of the village. The Sr. de St. Amand and the drummer had not much to suffer, and were soon out of misery; but not so with Sieur Mespleix, who was recognized as having served in the first war. The Indians began by scalping him, and did it so adroitly as not to injure any of the bones; they then bound

him to the frame to burn him with their ceremonies, their intention being to make him shed tears, so as to call him a woman and not a warrior; but he disappointed their expectations, suffering the frightful torment with wonderful courage and without a tear.

The Indians meanwhile were uneasy. One night they sent for a French woman who spoke their language. When she came into the cabin where they were, all armed with guns, clubs or axes, they began to question her, but she was so terrified that she could not answer them at first. At last, however, she asked them what they wanted. The Indians told her that they wished to know if, after having fought with their enemies, the French became friends again; she told them that war did not prevent their seeing and mingling with each other after the combat. "Well," they continued, "thou knowest that in the first war we gave the French the head of Oldhair, the White Apple³ Chief: his death has not been avenged; let them agree that the head of the French Chief of Fort Rosalie pass for his." The woman replied that this was a good idea. They then asked her whether it was true that the French were at the Tonicas, and why they did not come on? She replied that they were there, and did not come because they feared to be treated like the rest. Apparently satisfied with her answers they sent her away.

The next day they had some sorceries performed by an old Indian woman, who passed for a great magician. After many ceremonies, such as these imposters use to deceive gross and ignorant minds, she told them, as a great mystery, what all the world could guess as well as she, that in a little while their village and fort would be surrounded by a great number of living men, adding that, during the previous day and night, there had been several spies among them. After all these meetings the Indians kept quiet, although still anxious for the future.

CHAPTER XXXIII.

ARRIVAL OF THE CHOCTAWS AT NATCHEZ.—WHAT THEY DID THERE.

IN the month of February, 1730, the Choctaws arrived at Natchez, to the number of about sixteen hundred, accompanied by the Sieur de Lery, both as allies of the French and to punish the Natchez for not keeping their word. They appeared near the Great Village bearing the calumet aloft, but firing their guns; this warned the Natchez, who were dispersed here and there in cabins, to abandon them, and retire to the fort with their wives and children. The white woman, who was some distance off, had only time to take what was most valuable, being obliged to leave all the French women, her slaves, in the cabin. The Choctaws finding them, entered, and having first made sure that there were no Natchez among them, stripped these poor slaves again, though they came as friends of the French, and actually took all they had been able to keep when taken the first time. At the same time, they found in the cabin an old Indian woman, who had been unable to follow the female chief; they scalped her, and, tying her to a bundle of dry canes, burnt her by a slow fire.

While one party of Choctaws were pillaging this cabin, others hovered around the fort of the Natchez, in hopes of killing or catching some one; the whole morning was spent in firing, though not a shot took effect, as they fired too far off. About three o'clock in the afternoon, wishing to retreat, a considerable body of the Natchez sallied out and fired; wounded one of the French women in the leg, though not so as to prevent her following. The Choctaws reached the ground where

St. Catharine's concession had been, and remained there nearly a month, without undertaking anything against the enemy. There were only some skirmishes between them, which served to consume their powder.

CHAPTER XXXIV.

ARRIVAL OF CHEVALIER LOUBOIS AT NATCHEZ.—SUCCESS OF HIS EXPEDITION.

IN the following month of March the Chevalier de Loubois reached Natchez. As soon as the army landed, it encamped, and remained in the same place about five days, and then marched against the enemy, who had shut themselves up in their fort with their wives, children, negroes, and the remaining French women. Four days were spent in going from the camp to the fort, on account of a piece of artillery that had to be drawn by hand, and was so heavy that it could hardly be moved. They at last arrived before the fort and opened trenches in form. A few days after, the Indians, who knew the ground much better than the French, having made a sally on the troops there, poured in so quick and sudden a volley that they abandoned their post in hot haste. The officer in command in vain endeavored to rally and retain them; they would not hear him, and he, finding himself not supported, had to rejoin the main body. Meanwhile, a fire was kept up on the fort, though with little success, and there was small prospect of a speedy capture; for the Indians defended it stoutly, keeping up a galling fire, and even using the cannon taken from Fort Rosalie to fire on us, though it was not of much service to them, as they were not able to work it properly.

There was in the army a very brave sergeant called Bienville, who directed our cannon. One day, provoked at the little harm done to the enemy's palisade, he filled his pockets with grenades, and taking a soldier as a companion, reached the fort, covered by the obscurity of the night. There he found that he had forgotten what was most essential, that is, means of striking fire, and sent his companion to get some; but the Chevalier de Loubois, hearing of their design, forbid them to go on, for fear that so many French women at Natchez might suffer by the grenades. Obligated to forego his plan, Bienville returned to the camp, and was shot during the firing the next day.

A few days after, an adventure occurred which enabled another soldier in the army to signalize himself. The Sieur Duparc, who had followed the Chevalier de Loubois as interpreter, took one of the standards of the army and planted it between the camp and the enemy's fort, intending to address the Indians, and urge them to surrender and become friends of the French, promising to grant them peace. But, either because they did not understand him, or slighted his promises and exhortations, they fired on him, and compelled him to retire with precipitation. At the same time, the Indians made a sally to carry the flag which he had planted and left, and several of the French women availed themselves of the chance to escape, and though fired on from the fort, they all reached the camp in safety. In this interval, a young soldier ran out of the ranks towards the flag, reached and carried it off, after which he came and presented it to the Chevalier de Loubois, who made him a sergeant.

As among the French women who had escaped were some who had left children behind, and even babes at the breast, the Indians, to avenge themselves for the flight of the mothers,

had the cruelty to drag these poor little creatures on their faces through the fort, and after stifling them, to fling their bodies over the palisades. Others in great numbers were impaled on the palisade itself, because, sleeping with their mothers in the open air and catching cold, their incessant coughing troubled the Indians and prevented their talking.

Meanwhile, the lines were drawn nearer the fort, and they had got quite near, without there being any hope of a surrender by the Indians, when one morning, after they had worked all night pushing on the cannon and arranging the sand-bags, they perceived that the enemy had lowered their flag, which showed a wish to capitulate. In fact, they had agreed among themselves to come to terms, and the great chief having summoned Mme. Desnoyers and explained his intentions, she was soon seen leaving the fort and crossing the plain to reach the general's tent, where she asked peace on behalf of all that nation. Her proposition was well received, and accepted on condition that the Natchez surrendered all the French women made slaves, with their children and all the negroes. After this answer Mme. Desnoyers returned to the fort to announce it to the great chief, who submitted to these conditions, merely asking that neither the French nor the Choctaws should enter the fort till the following day; this was granted. The auxiliary troops were then detached to receive from their hands the French women and children, and the negroes, with Mayeux and Lebeau, the two Frenchmen spared in the general massacre. After having thus withdrawn all the prisoners from the hands of the Indians, the Chevalier de Loubois, who had till then abstained from using grenades for fear of hurting these very prisoners, resolved to keep his word with the Indians as they had kept it with others, and early

next morning prepared to renew the siege more vigorously than ever, when he found out that the Natchez had anticipated him and abandoned the fort by night, taking with them all that they had.

On the other hand, they had considerable difficulty in rescuing the prisoners from the hands of the Choctaws who were in possession and seemed ready to dispute it, as if they were their slaves. The dispute between the general and these Indians got so warm that they were on the point of coming to blows, when the great chief of the Tonicas appeased them, and induced them to take the goods offered in exchange for the prisoners. The Chevalier de Loubois gathered all he could find in the camp, and as even that did not meet the cupidity of the Choctaws, he persuaded them to wait till the next day, promising to deliver them the balance of goods required. By this means he succeeded in delivering from their hands all the French women and children, whom he gathered at the foot of the hill, and during the night put in vessels to go to the capital. The next morning the Choctaws, not seeing the prisoners, became much more tractable; they could not, however, be induced to give up some negro slaves, whom they still kept, and a little French boy, whom they carried off as hostages and security for the promises made them.

The Indians having, as I said, abandoned their fort,* it was fired, and the whole army decamped and returned to the spot

*It is still a mooted point where this palisade fort of the Natchez was located. It has been placed by some persons on the plantation of "Fatherland;" and by others, upon the bluff just below the bend of St. Catharine's Creek, near the "Lynwood" plantation. As the latter place is susceptible of strong defence, and some appearance still exists of a fort having been once built there, I am inclined to think it must be the spot where the brave Natchez made their last and valiant fight in defence of their rights, their liberty, and their country.

where Fort Rosalie had been. There they began to raise a new fort of earth, with barracks for the soldiers and houses for the officers; and as soon as it was in a state of defence, the Chevalier de Loubois, leaving there a hundred and twenty men, under the command of Chevalier Baron de Cresnay, with provisions and ammunition, embarked with his army and returned to the capital.*

CHAPTER XXXV.

RETREAT OF THE NATCHEZ.—CONTINUATION OF HOSTILITIES.

As soon as the French women who had been rescued from the hands of the enemy reached New-Orleans, the intendant or commissary ordinator had them conducted to the hospital, where every care was taken to restore them to health, not only by good food, but also by all suitable remedies; and as they had been stripped of all they had, first by the Natchez and next by the Choctaws, the company was good enough to advance them all that they thought necessary to re-establish themselves. Some of them, instead of going to the hospital, went to taverns, or houses of friends. Some of these found husbands who had fortunately escaped and joined them, and the widows soon found new husbands. In the end, most of the survivors of the general massacre settled at Point Coupée, fifty leagues from the capital, about halfway between it and Natchez.

As for the Natchez Indians, after abandoning their fort to strike into the woods, they thought of going to settle elsewhere; and, leaving the right bank of the river, went near

* See the Dispatches of Perier and D'Artaguet, in Appendix.

Black River, which empties into that of Naquitchos, called by some Red River. There they built a village and fort on the model of that from which they had been driven, and another three leagues further inland. Meanwhile, though they had apparently abandoned the grounds around Fort Rosalie and made peace with the French, they did not discontinue acts of hostility to them and their property.

A new fort and buildings had, as I have said, been raised at Natchez. As they needed cypress bark to cover them, a party of twenty men, well armed and provisioned, were sent to a neighboring cypress grove, about a league and a half below the fort on the river. At first all was quiet; but five or six days after they were surprised by a party of Natchez, who, attacking them unexpectedly, killed and scalped them all. In this catastrophe perished the soldier whom Loubois had made a sergeant for bringing back to the camp an abandoned flag, when the army lay encamped before the Natchez fort. The soldier who had escaped the first massacre by getting into an oven was here also, and again escaped by hiding in a hollow tree. He returned to the fort the next day alone, to announce the fate of his comrades.

The fact I am about to state shows how bent these Indians were on the ruin of our nation, when six of them dared to undertake the destruction of a whole garrison of more than a hundred men. A few days after, these Indians presented themselves at the gate of the fort, saying that they were Choctaws. As Indians are much alike, it is not easy to avoid mistaking them, unless you are aware of their distinctive marks, which for the most part consists merely in the manner of wearing their hair; these were taken for real Choctaws, and, though armed, were admitted.

As soon as they were in the fort they walked about like

HISTORICAL MEMOIRS OF LOUISIANA.

friends, caressing the French, shaking their hands, and showing great affection, but in about half an hour they changed tone and manner, fell on some soldiers who were off their guard, murdered them and killed the sentinel. The noise of this sudden attack alarmed the whole fort, all ran to arms, the doors were closed, but as the Indians had got possession of the guard-house, they defended themselves stoutly for two hours, when five were killed, and the sixth taken alive and burnt at the frame. As for the French, five were killed and several wounded. This accident taught the garrison to be more circumspect in future and better on their guard.

At this time it happened that a party of Tonicas, who, after all, were the only tribe really friendly to us, having taken a Natchez woman, brought her to New-Orleans and presented her to the commandant-general. He gave her back, telling them to dispose of her as they liked; they accordingly resolved to show the French, in the treatment of this slave, how the Indians treat their prisoners taken in war. A frame was raised on an elevated spot near the river, between the city and the government house, and here the poor wretch was tied and burnt with their ceremonies, before the whole city, who flocked to witness the spectacle. She was burnt first on one side, then on the other, all down the body, but during that long and cruel torture never shed a tear. On the contrary, she seemed to deride the unskilfulness of her tormentors, insulting them, and threatening that her death would soon be avenged by her tribe.

Her prophecy was soon accomplished. A few days after this cruel execution, a large party of Natchez came to the Tonicas to present, as they said, the calumet to the great chief and make peace, not only with him but also with the French. The great Tonica chief thought it inexpedient to accept the

deputation without first obtaining the permission of the commandant-general who gave it, telling him at the same time to cut the Natchez to pieces while engaged in the ceremony. But they anticipated him, for they had scarcely entered the cabin when they struck him down, scalped him, killed some more Indians and one Frenchman, taking a second with his wife prisoners, and with them returned in triumph. Thus fell the great Tonica chief, who with his son had become a Christian, and had, for his valor and devotedness to our cause, been honored by the king with a medal which he had sent him.

This success made the Natchez believe that, after having thus surprised and destroyed many of their enemies, it would be an easy matter to cut off the French at Naquitoches, where there were only twenty settlers, and a garrison of forty soldiers, commanded by the Chevalier de St. Denys.* But this officer showed them that they had to deal with an able and vigilant commander, under whom all went on with strictness and punctuality, who was equally beloved and respected by the French, and esteemed by the neighboring Indians, who were entirely at his disposal. The Natchez set out from their new village to the number of a hundred and fifty or more, taking with them the French woman captured at the Tonicas; and having arrived within gunshot of Fort Naquitoches, they deputed three to the commander to ask permission to enter the fort, in order to present the calumet, and make him the umpire of a peace, by returning a French woman to his hands. The Chevalier de St. Denys, who spoke the Indian language well, replied to the deputies, that "if ten would

* This distinguished officer was related to Bienville. He came to Louisiana at a very early period of its history, and was employed in the most active service of the colony. As commandant of this post, he made himself so popular, that he led the life of a half barbaric and half-civilized potentate. His adventures form an interesting episode in the History of Louisiana, by Gayarré.

come and present the calumet with the French woman he would receive them willingly and pay them well; but from their number he judged that they were only beggars and traitors, who sought to entrap him; but that, for all that, he would let them return to their party, on condition that they should bring him the French woman that very day, threatening them, if they failed, to show them whom they had to deal with."

The deputies immediately left the fort very ill pleased with the result of their mission, and having reported the answer given, the savages, furious at having missed their blow, turned all their rage on the French woman, whom they burnt on a frame in sight of the fort. After this fine exploit, instead of retiring, they dug a kind of intrenchment in the plain, and fortified their position, hoping that, by lurking around the fort, they could cut off the supplies and force the garrison to surrender. On his side, the Chevalier de St. Denys pretended to be afraid, and from time to time fired some cannon with blank cartridge to amuse them, while he sent to the great Naquitchos chief to dispatch him forty of his bravest warriors. They reached the fort, and were brought in by night, and the commandant having armed them, sallied out at the head of his troop the next morning at daybreak, entered the Natchez entrenchment and fell upon them sword in hand. Many were killed; the rest, awakened by the noise, fled, but were pursued with muskets, and after killing about sixty of the savages, the commandant returned to his fort in triumph, without having had a single man wounded, giving the survivors liberty to return to their village and tell what reception they got at Naquitchos.

CHAPTER XXXVI.

*TROUBLE AT NEW-ORLEANS.—THE COMMANDANT-GENERAL MARCHES
AGAINST THE NATCHEZ.*

WHILE these things were going on in the remote parts, the capital itself was not tranquil. One day a woman, whose head was turned by the brandy she had been taking, came running into the city from the Bayou St. John with streaming hair, crying that the Indians had made a descent on the Bayou, and massacred all the settlers there, and were actually pursuing her. This woman was joined by some others, about as wise, and the noise increasing, the alarm soon spread to all quarters. The muster was beat, all ran to arms, and assembled in the great square. Here they were formed into companies, and powder and ball delivered to each. The ladies meanwhile fled to the churches, or to the vessels moored before the town. The terror was general; all thought they were lost, without anybody's knowing on which side the enemy were. The commandant-general sent out a large scouting party to bring him correct information. This body at first advanced with great caution for fear of being surprised, but after a lapse of two hours, it was found that it was all nothing, that this great trouble had no better foundation than two or three shots fired by some hunters in the woods.

Soon after this false alarm there was one much better founded, and which might have resulted seriously. For some time a secret plot had been brewing among the negro slaves. Excited underhand by the Indians, or perhaps wishing to imitate them and recover their liberty, they had formed the design of making away with their masters and butchering the garrison. The plan was bold, and they alone never could

have succeeded, but who knows whether the Indians would not have lent a hand? Be that as it may, they had already concerted the manner of executing their guilty project, and the plot was ready to be put in action, when a negress, belonging to a surgeon named Brosset, told her master, and discovered all about it. He prudently questioned her, learned the names of the chiefs in the conspiracy, and the manner in which they were to act. Their plan was for each first to kill his master at night as he was going to bed: then being masters of all the keys, they would soon have guns, powder and lead, which would enable them to get rid of the troops on guard without difficulty. After committing to writing all he could get from the negress, the surgeon communicated it to the commandant-general, who, on this information, immediately arrested the leaders in the conspiracy, with some negresses also denounced. They were put in dungeons, and separately examined; and, on the avowal which they made of their dark design, were all condemned, some to be broken on the wheel, others to be hung as examples for the rest.

Yet after this execution the commandant-general saw that it was not enough to have extinguished this first fire by the death of the most guilty, unless the probable consequences were also prevented; and as he could not discover whether the negroes had been excited by the Indians or not, he resolved to embroil them with each other to prevent all danger on that side. With this view he ordered most of the negroes before him, told them that they were all traitors, and that he was going to hang them all, as he had learned that they were in league with the Indians to exterminate the French. On this they protested innocence, cried for mercy, and offered, if permitted, to march themselves against the Indians and destroy them. The general having thus gained his end, armed them with

hatchets, bayonets and knives, and let them attack a little tribe called the Chouachas, ordering them to kill only the men and to spare the women and children. His orders were fulfilled, the negroes attacked the village, killed seven or eight men whom they found there, the rest being at the chase. This single expedition rendered the Indians mortal enemies of the negroes.

At this moment there arrived at the capital a royal vessel commanded by the Sr. Perier de Salverte,* brother of the commandant-general, with a body of marines sent by the court on hearing of the disaster at Natchez. Sieur Perier thought he should profit by this reinforcement to march against the Indians. Of these marines, the company's troops and the colonial militia, he formed a little army, and, embarking in bateaux and partly in piraguas, he ascended the Naquitoches (Red) River, and turned up Black River, on which the Natchez lay.†

They were, however, ignorant of the exact position of their fort, and in this dilemma two soldiers, who had landed to seek some plants fit to eat, fortunately took an Indian boy fishing in a lake. He was taken to the general, who received him kindly, caressed him, gave him food and promised him his life if he showed the way to his village. The boy agreed, and the army marched on guided by the boy, and after a quarter of a league discovered the enemy's fort and village. Favored by the woods and silence they advanced as near the fort as possible, till they reached the open plain, then the troops advanced on the fort with drums beating and flags flying. The Indians, amazed to see the French thus pursue them in their

* Perier de Salverte arrived at the Balize on the 10th of August, 1730, with three companies of marines of sixty men each.—*Martin*.

† He ascended Red River, went into Black River, and from that into a stream called Silver River, and from Silver River, (now called Washita,) into a small lake which is at a short distance from Trinity, in the parish of Catahoula.

retreat, shut themselves up, with their wives and children, resolved to defend themselves to the last. They were summoned to surrender; quarter and life were promised; but as they were deaf to this, some pieces of artillery were landed, with a wooden mortar, and a trench was opened. The Indians held out courageously; several of the French were wounded. But at last, on the third day, the enemy, driven either by thirst or by the fear which the mortar had inspired, struck their flag and asked to surrender. This was deferred till morning, as night was coming on. It was a dark one, accompanied by a slight rain and a dense mist, which enabled most of the Indians to escape.* The next morning they took about two hundred, more women than men, who were bound and sent to the boats; the troops then sacked and fired the fort, and embarking returned to the capital. On their arrival, the prisoners were confined, supported for some time, then shipped to Cape François in St. Domingo, where they were sold as slaves for the benefit of the company.

* The number of the Natchez that escaped the grasp of Perier at this time, has been put down by some writers at three hundred warriors. The nation now became scattered over the country, but was not conquered. Many of them found an asylum among the Washitas, Chickasaws and other tribes hostile to the French. They lost their nationality and their country, but the city of Natchez is their monument standing upon the field of their glory. In refinement and intelligence, they were equal, if not superior, to any other tribe on our continent. Their form was noble and commanding, and their countenance indicated more intelligence than is commonly found among savages. They believed in the immortality of the soul, and a state of rewards and punishments. Their traditions state that they came from Mexico; and it may be inferred from their singular usages, that they were a branch of the Toltecan family. The obvious analogies between the Natchez and the Tolteicans consist in the worship of the sun; the practice of human sacrifices; hereditary distinctions, and fixed institutions. Their singular custom of distorting the head by compression corresponds with the description of the Mexicans by Bernal Diaz. A custom, too, that was kept up by the Peruvians long after their subjugation by Pizarro.

CHAPTER XXXVII.

ARRIVAL OF A NEW COMMANDANT AT THE CAPITAL.—NEW PREPARATIONS FOR WAR.

As soon as information reached France that war had broken out in Louisiana between the French and Indians, prompt relief was thought of. In 1730 the Western Company represented to the king the great loss just sustained at Natchez, and returned into his hands the privilege they had received for the colony. The country thus returned to his majesty's domain, and he, anxious for the restoration of peace, thought he could not do better than send out as commandant-general the *Sieur Bienville*,* the first who governed it under the company, as one

* Governor *Bienville* came to Louisiana with his brother *Iberville*, as a midshipman, in 1698; and four years after, on the death of *Sauvole*, he succeeded to the chief command of the province; which he exercised with little interruption until he was recalled in 1726, when he was succeeded by *M. Perier*.

"On his arrival in France he laid his defence before the French government. He stated that he had served his king thirty-four years, the greater part of which he had acted as governor of Louisiana. That as an officer of the navy he had served seven years, and had been present at all the sea-fights in Canada, with his brother *Iberville*. He had jointly with his brother *Iberville* discovered the mouth of the Mississippi, and established a colony in Louisiana.

"That seven of his brothers had died naval officers; that three still remained in the navy, and that his father had died in the service of his country.

"He then reviewed his administration and the difficulties he had to contend with, which excited the jealousy and hostility of his adversaries; and he labored to prove that all his acts had been in conformity with the laws and with the instructions of the king. Notwithstanding his able defence, he was removed, and the success of his enemies was so complete that they also caused his brother "*Chateaugue*," who was lieutenant-governor in the colony, to be removed; and the two *Noyans*, his nephews, to be broken. The object of these measures was to gratify their malice, and to destroy his future influence in the colony.

"In 1734, *Bienville* was re-appointed by the king governor of Louisiana, in the place of *Perier*, who was promoted to the rank of lieutenant-general, as a reward for his services in the colony. The surrender of the western company's charter, and the return of *Bienville* gladdened the hearts of the colony, and gave high hopes of approaching tranquillity and permanent prosperity.

"In 1735-'36, he organized an expedition to march against the *Chickasaws*,

best able to reduce the Indian foes. The new commandant reached New-Orleans in 1734, and the Sieur Perier resigning the government into his hands, immediately embarked for Europe.

Some months after Bienville's arrival, the Natchez, fearing lest the French should come and attack them again, resolved to abandon entirely the country on the banks of the St. Louis (Mississippi). They accordingly abandoned their new posts on the Black River, and retired further up to a numerous tribe called the Chickasaws, more friendly to the English than the French; here they were received as brothers, and grounds given them to settle on. The new commandant, informed of this transmigration, believed that if he demanded of these Indians the enemies of the French, they would at once surrender them; but he was mistaken, for, when the demand was made, the Chickasaws replied, "that they and the Natchez now formed one nation, and that they consequently could not give them up." Piqued at this reply, the general resolved to go after them, and immediately began preparations for this expedition, which occupied him for two years.

Meanwhile, he sent to Illinois five boats, one loaded with powder, the rest with goods, commanded by Captain Leblanc, to whom the general confided his orders for the commandant

which was followed by another, which terminated forever his military operations in Louisiana. He was succeeded by the Marquis de Vandreuil, and on the 10th of May, 1743, he returned to France. When he left Louisiana he had reached the age of sixty-five, and he carried away with him the regrets and the esteem of all the colonists, who styled him, "*the father of the country*." He died in 1767.

"Among the other most conspicuous names in the history of Louisiana, is that of Dartaguet, which disappears at the same time when Bienville retires from the colony. The royal commissary of that name, who came to Louisiana in 1708, and who filled in it several high offices until 1742, left behind him a long memory, which made his virtues, his talents and his deeds, familiar to succeeding generations. The fate of his younger brother, who fell into the hands of the Chickasaws in 1736, and was burned at the stake, has been pathetically told by Dumont."—*Gayarre*.

of that post. His convoy was attacked on the way by a party of Indians, but no one was killed, and having safely arrived at Arkansas, the commander, for some reason I cannot conceive, landed the powder there, and proceeded to Illinois, which he reached in safety; he then dispatched a boat for the powder left at Arkansas, but this boat on its way back was attacked and taken, with all the powder, by the Indians, who killed all on board except the commander, Lieutenant du Tisinet, and Rosilie, a natural son of the Sieur de la Loire, of whom we have already had occasion to speak. These two were taken alive and made slaves.

Meanwhile, Captain Leblanc having reached Illinois, presented the orders of the commandant-general to the Sieur Dartaguet, the commander of the post, brother of the late Sieur Dartaguet, ex-director of the company, and comptroller of the household of his highness the Duke of Orleans. The orders of the commandant-general required him to be in the Chickasaw country by the tenth of May next, at the latest, with all the Illinois Indians, French troops and settlers he could muster, to join the army which he would lead in person against that nation.

At last, all preparations being made for this expedition, the commandant-general sailed early in 1736 for Fort Mobile, where he had invited the great Choctaw chief to meet him. There he unfolded to that Indian his design of making war on the Chickasaws for harboring his enemies, and induced him to join in the enterprise for a certain quantity of goods, part of which were delivered on the spot. After this he returned to New-Orleans, assembled his army, composed of French troops, some companies of militia and negro slaves, and embarked in boats and piraguas for Fort Mobile, the rendezvous of the troops, with necessary provisions and ammunition.

CHAPTER XXXVIII.

*FIRST EXPEDITION AGAINST THE CHICKASAWS.—ATTACK OF ONE OF
THEIR FORTS.*

ON the tenth of March in that same year, 1736, the whole army assembled at Mobile, and rested till Easter-day, the first of April, when it set out on their expedition. So considerable a force had never yet been seen on that river; it was composed of more than thirty piraguas and as many bateaux, which ascended in a line by force of oars. About eight o'clock in the morning they stopped to breakfast, and about half-past eleven for dinner, and towards evening the boat that led the way chose a proper place to cabin or pitch their tents. The army then landed; sentinels were posted in the woods to prevent surprise, others at the landing, before the general's tent, and thus they passed the nights.

In this way the army, by the 20th of April, reached a place* called Tombecbé, (Tombigby,) to which Bienville had sent a company† of soldiers nine months before to build a fort and cabins, intending this as a resting-place for the army. On the way no accident happened but the upsetting of a piragua, which caught in the branch of a floating tree. Two men were drowned.

Arriving at Tombecbé, the fort not being finished, and only some palisade and rustic cabins made, the army encamped in a beautiful plain, and immediately began to make earthen ovens and bake bread. Meanwhile, the Choctaws, having learned the

* This place, which is now called Jones's Bluff, is situated on the Little Tombigby, in Alabama.

† This company was commanded by the brave De Lusser, who afterwards fell in the attack on the Chickasaws near the village of Ackia.

general's arrival at that post, came to present him the calumet ; they were very well received ; the rest of the promised goods delivered as their pay for serving the French as auxiliaries in the expedition, and they prepared to accompany the army. Continual rains with frost kept us at this post till the fourth of May, when we set out ; but a council of war was first held on four soldiers found in irons on our arrival. They were a Frenchman, two Swiss and a sergeant, accused of having attempted to kill the commander and storekeeper, and then to carry off the *Sieur du Tisinet* and *Rosilie*, who had escaped from the Indians, with the intention of restoring them to the Chickasaws, joining those Indians, fighting for them, and then going over to the English. They were tried, convicted, and condemned to be shot at the head of the troops.

On the fourth of May the army re-embarked, and proceeding again up the river, reached a fort called *Tibia*. All the way it had been forbidden to fire, in order to conceal from the enemy the march of our troops ; but one of our Choctaws, seeing a deer in range, fired and killed it, for an Indian has no idea of orders. The report threw the whole army into consternation, all ran to arms, and quiet was not restored till all was explained. At last, on the twenty-fourth of the month, they reached the place of disembarkation ; the troops landed, threw up tents, and began to erect a large palisade fort, with a kind of shed to protect the goods which they had brought. The army spent the night here.

The next day, powder and balls were delivered to the troops, and leaving in the fort the sick, with some less experienced soldiers to guard the post, the army marched on, guided by a Frenchman, who knew the country quite well, having often visited it as a trader. They had seven leagues to march to reach the first Chickasaw village, and actually marched five

and a half the first day in two columns in Indian file through the woods in silence, with the Choctaws on our flanks, to the number of about twelve hundred, commanded by their head chief. In the evening we halted in a plain surrounded by woods, where each supped on biscuit and pork, and slept in the open air. The general detached two men to reconnoitre, who returned at one o'clock in the morning, saying that they had been discovered by four Indians, but had not fired, as they had had no orders. Whether true or not, no semblance of credit was given their report; and the next morning very early the army was put in motion, and crossing a ravine, with water breast high, and a little wood, they entered a beautiful plain, at the end of which, about a quarter of a league distant, an Indian village was perceived, with a fort on a hill and cabins around it, with others apparently fortified at some distance below, and a little stream at the foot of the hill. As soon as our Choctaws perceived the enemy's fort they raised their usual yells and cries, and ran that way to try and shoot down some of the enemy.

As for the army, after forming in a square battalion, it advanced in good order, our soldiers, like Gideon's of old, gathering, as they crossed the prairie, bunches of strawberries, which our common mother lavished in abundance on all who came to pluck them.

In this order we approached and passed a little wood, leaving the enemy's fort on our left; and having halted, the general called the majors of the regulars and militia, and ordered them to form a strong detachment to carry the fort. A body of at least twelve hundred men was now detached, composed of, first a corps of grenadiers, then one of regulars, and then one of militia. Meanwhile, four or five Englishmen were espied on the height, doubtless among the tribe as traders, and

the Indians even hoisted the English flag over their fort. The army again advanced by battalions ten deep, amid occasional shouts of "Vive le Roi." It was apparently intended to take the fort by a *coup de main*, as they had neither spades nor pickaxes. They reached the foot of the hill, and crossing the stream which skirted it, began to ascend the slope, during which one soldier was killed. And the lieutenant of our grenadiers, who was about a pistol-shot ahead of his company, in his ardor to reach the fort, entered a cabin, where he found three Indians, one of whom he killed, but the others escaped to the fort.

As soon as the troops had gained the top of the hill, they began by setting fire to some cabins on the wings, from which the enemy might have annoyed us; but avoiding one inconvenience we fell into another, for the smoke almost stifled us as long as they were burning. Some mattresses had been brought to shield the commandants, but they were of little service. The colonial militia, which were in the rear of the company's troops, wheeled right and left, intending to invest the fort, but the *Sieur de Jusan*, aide-major, checked the movement and sent the troops back to their post, intending for his own corps the glory of carrying the place, which now began a vigorous defence. Several militia men were already disabled, and the grenadiers in attempting to advance had one of their sergeants killed, the other wounded, as was also Captain *Renaud d'Hauterive*, who was carried to the camp, whence the general was observing the result of the attack. It could not be more disadvantageous for our troops, who did not lack courage, but were obliged to fight without any shelter with an enemy whom they could not draw out, but who poured out a shower of balls from the fort which covered and protected them. This fort was, in fact, surrounded by a

palisade more than a fathom thick, the intervals being closed by smaller piles, so arranged as to leave loop-holes through which they could fire without exposing themselves. It was besides covered with heavy oak planks, loaded also with earth, so that grenades were of no service. Meanwhile, Captain Lusser, Aide-Major de Jusan and Major-General de Noyan* had been wounded and carried back to the reserve, with the *Sieur de Grondel*, Lieutenant of the Swiss. Our troops had now spent their powder and ball in firing against the palisade, without having been able to make the slightest breach, when the general, perceiving the failure of the operation, ordered a retreat, and sent a second detachment to cover it. This attack lasted from half-past one till five in the afternoon, and cost us thirty-two regulars and militia killed, and at least sixty wounded. The troops rejoined the rest of the army, leaving the dead on the field of battle, for they had been unable to carry them off.

In spite of the hardships of that hard day's work, the troops had scarcely had time to take a hurried meal, when they had to think of intrenching the camp and surrounding it with palisades, to be secure against a sudden attack of the enemy. They began accordingly by felling trees, and having with them blocked up every avenue of approach, passed the night as best as they could. While this was doing, a party arrived from another village, as they said, to present the calumet to the general, and a letter; but *Bienville*, provoked by the

* The brave De Noyan was the nephew of *Bienville*. *Grondel* was a Swiss officer of distinction, who came to Louisiana in 1731. He made himself conspicuous by his duels, his gallantries and his sociability of manners. He was employed in several military expeditions and diplomatic negotiations with the Indians, in which he acquitted himself with credit. In 1753 he was rewarded for his services by the decoration of the Cross of St. Louis. He returned to France, was promoted to the rank of general, and lived long enough to see Louisiana become one of the United States of America.

reverse of the day, refused to receive them, and even ordered our Indians to attack them; they did so, and killed four.

The enemy were not more idle than we that night; they destroyed some cabins not yet destroyed, which had been our intrenchments in attacking the fort, and uncovered the fort, lest we should set it on fire with our fireworks, such as we had used in destroying some of their cabins. Then, in a manner worthy of savages, finding on the field the bodies we had been forced to leave, they cruelly quartered them and exposed them on the palisades. This barbarous spectacle which met our eyes at daybreak filled our troops with rage and fury. They would have rushed on the enemy to avenge it or die, but the general withheld them.

The attack on the fort had taken place on the 26th of May; the next day saw some skirmishes between the enemy and our Choctaws. Two of the latter were perceived at the foot of the hill where the fort stood, by a Chickasaw, who fired and laid one prostrate; the other fled. The Chickasaw, believing that he had killed his man, ran up to scalp him, but when he had got about ten steps from him the Choctaw sprang to his feet, gave his death-cry, cut him down, and performed on him the operation intended for himself; then, taking his gun and valuables, returned to his party in triumph.

At the same time a free negro named Simon, a captain in the black company attached to the army, distinguished himself by a singularly bold feat performed before the whole army. He started at a run on foot to the height on which the fort lay, and though the Indians sallied out, and balls were raining around him, he held on, and reaching a troop of horses at pasture, picked out a fine mare, sprang on her back, and rode back to the camp unscathed.

The same day, about eleven o'clock in the morning, a rumor

was spread that D'Artaguettes, commandant of the Illinois, was approaching, and some even thought they could descry his banners, but on examination the report was found to be unfounded.* They now thought only of retiring; the most severely wounded were put on litters; those slightly wounded were ordered to follow, and, the army being put in motion, they went and slept about a league from the enemy. During this march a party of our Choctaws ambushed in a little wood in our rear, fell on nine hostile Indians, who had come to scalp and search the dead, and killed them all.

The next day the army resumed its march, and bivouacked about a league from the landing-place, which they reached early next morning. There, while our troops were at their meal, we were on the point of quarreling with our Choctaws, who, excited by Redshoe, were almost on the point of attacking us, when their great chief appeased them. He was so enraged that he would have blown out Redshoe's brains had he not been prevented by Bienville, who was establishing peace, after ordering his army to embark and proceed to Tibia, as it did. Meanwhile, he delivered to the Choctaws goods, powder and ball, and sent them off satisfied; after which, he joined the army again in a most critical moment; for, had they remained there twenty-four hours more, they would either have perished by famine in an enemy's country,

* It is not easy to justify Bienville's conduct in this expedition. The war was rashly brought and rashly conducted. He entered the enemy's country without any means of siege, made one attack on a fort, and then, without attempting by scouts to open a communication with D'Artaguettes, whom he had ordered to meet him in the Chickasaw country on the tenth of May, or making any attempt to give him proper orders, without even taking one Chickasaw prisoner to get any information of Dartaguettes's proceedings, he retreated, and ended the campaign disastrously. It is more than probable that if the forces of Bienville, D'Artaguettes, Montcherval and Grandpré, had united and attacked the Chickasaws at the same time, the result would have been favorable to the arms of France.

or been compelled to return by land, as the water had diminished greatly. In fact, Mobile River, which, after the winter rains, is a beautiful stream in spring, is a mere brook in summer, especially at the part where we were, that is, not more than twelve leagues from its source, and about two hundred from the capital, which we reached however safely.

Some time after, a sergeant of the Illinois garrison reached us. He had been made a prisoner and slave by the Chickasaws, but had so gained the good-will of his master, that he not only gave him his liberty and provisions, but had even shown him the road to take across the woods to Mobile. This sergeant stated, that "in obedience to the orders of the Commandant-General, D'Artaguette, commandant at Illinois, reached the Chickasaws on the ninth of May, with fifteen hundred men, and encamped in sight of the enemy till the twentieth, without hearing anything of the general's arrival.* Meanwhile, the Indians in his army murmured, and wished either to return or to attack; he chose the latter, attacked the enemy, and forced them to abandon their village and fort; then attacked a second village with like success; but while pursuing the routed foe, he received two wounds. When his Indians knew this, they abandoned him. A Jesuit (Father Senat) and forty-eight soldiers remained (with Vincennes) true to him. These soldiers gathered around their commander to defend him and repulse the enemy, who attacked however so vigorously, that D'Artaguette† and his party were at last forced to

* It is stated by Gayarré that D'Artaguette received a letter from Bienville, in which he informed him that unexpected obstacles would prevent him from reaching the Chickasaws before the end of April, and that he must take measures accordingly. He thereupon held a council of war, and determined to attack the Chickasaws.

† This officer was the youngest brother of Diron D'Artaguette, who had long held office in the colony. He served with distinction in the Natchez war, and was rewarded for his bravery by promotion to the command of Fort Chartres. In

surrender. Instead of ill treating them, the enemy conducted them to their village, and kept them as prisoners, hoping by surrendering them to obtain peace from the French, if they came to attack them; but when they learned that our troops had retreated from their territory,* they led them out to a plain, and tying them by fours to stakes, burnt them all with a slow fire, except himself, whom they spared on account of his master's affection for him.

CHAPTER XXXIX.

NEW EXPEDITION AGAINST THE CHICKASAWS.—PEACE MADE WITH THE INDIANS.

MEANWHILE, the commandant thought of avenging this defeat and the deaths of the brave men who fell in the last expedition. With this view he prepared to march against the enemy again, not by the Mobile River, as before, but by the St. Louis (Mississippi), to escape the disadvantages of the other. As, however, he did not deem his forces sufficient for the enterprise, he wrote to France, and orders were sent to

compliance with the orders of Bienville he set out for the Chickasaw country with a large force of Indians, but being warned by the fate of Leseur, he slackened his march, and arrived at the place of rendezvous only on the eve of the very day that was appointed. He encamped in sight of the enemy, and Bienville not arriving in time, his Indian allies compelled him to attack the enemy, which resulted in his defeat and cruel death. The brave Vincennes also refused to fly, and he too, with Father Senat, perished at the stake.

* "The Chickasaws," says Pickett, "have never been conquered. They could not be defeated by De Soto with his Spanish army, in 1541; by Bienville with his French troops and Indian allies, in 1736 and 1740; by Vaudreuil and his army, in 1752; nor by the Creeks, Cherokees, Shawnees and Choctaws, who had continually waged war against them at different times." Thus ended in a complete failure the expedition of Bienville, which brought a cloud of censure upon his military fame.

Beauharnais,* Governor of Quebec and Canada, to assist him. The court at the same time sent out three royal vessels, commanded by the Chevalier de Kerlerec, and which brought a body of marines under the Chevalier de Noailles. While these vessels were on their way, the commandant-general wishing to have, as before, an intermediate station for his troops, sent off a large detachment to St. Francis River, to build a fort, and one was soon erected and put in a state of defence.

The royal squadron arrived before New-Orleans in the month of May, 1739, and soon after the commandant-general sent to Fort St. Francis the first convoy under the Sr. de Noyan. He himself proceeded to that post towards the close of June, and the whole army assembled. It was composed of marines, troops from the capital, militia and negroes, and some neighboring Indians. The whole embarked, leaving a small detachment to garrison the fort, and proceeded to a little river called Margot,† where the general thought proper to land. This point was indeed twelve or fifteen leagues from the enemy, but there was here no danger of a fall in the water, which would compel a land-march. The army encamped at the foot of a hill in a very pretty plain, and as soon as all were settled the general proceeded to fortify his position. The troops were immediately employed in felling trees and raising palisades, so that they had soon erected a large and spacious fort, with a house for the commandant, barracks for the soldiers, store-houses and a bakery. It was called "Fort Assumption," because the army landed on that day. At the same time they began to clear the roads, make sleds and carts, to carry not only cannon, but the ammunition and supplies necessary for a siege.

* The father of the first husband of the Empress Josephine.

† This is now called Wolf River; and Fort Assumption was built on a bluff near the present city of Memphis.

At this post the army was joined by the reinforcements expected from the upper provinces. First, there arrived the *Sieur de la Buissonnière*,* commandant of the Illinois, at the head of his garrison, and such Indians as he could gather of various tribes; he brought horses and many head of cattle. After him, came Captain de Celeron and Lieutenant de St. Laurent, followed by thirty cadets, sent by the Governor of Quebec, with a great number of Canada Indians, Iroquois, Hurons, Nipissings, Algonquins, &c.

These united troops made up a formidable army,† such as had never yet been seen in the country, both in numbers and in the variety of the nations composing it; all assembled to avenge the French on their enemies, the Natchez and Chickasaws. The troops remained encamped here without undertaking anything, from August, in that year, till March, 1740. Provisions were at first abundant, but at last became so scarce that they had to eat their horses, and sickness breaking out in the camp, carried off great numbers. In these circumstances, the general seeing himself reduced to the sad necessity of being able to use only his auxiliary troops, as his own were sick, and considering that, perhaps, these very Indians, then our allies, would one day reproach the French with having prevented their crushing the enemy, he resolved to use mildness, and prefer peace to war. In consequence of this resolution, towards the middle of March, he dispatched the *Sieur de Celeron*, with his thirty cadets and his Indian troops, to the Chickasaws, with orders, in case they came to ask peace, to grant it in his name. What the general had anticipated took place. As soon as Celeron came in sight of the Chickasaw fort,

* La Buissonnière had succeeded the unfortunate Chevalier d'Artaquette to the command of Fort Chartres.

† The army of Bienville numbered about twelve hundred white troops, and double that number of Indian and black troops.—*Martin*.

the enemy, believing him followed by the whole army, gave up all hope and struck their flag; and, though a dangerous expedient, came to him to ask peace, and beg him to intercede with the general for them, protesting that they were friends of the French, alleging, in proof, that they had in their village two English but no French slaves. They, at the same time, offered to receive into their village such person as he chose to send, to witness with his own eyes the truth of what they said. Lieutenant de St. Laurent undertook this, and set out with a little slave of his, but soon repented committing himself somewhat too lightly to the good faith of a nation of which they were not sure. Scarcely were they in the fort than all the Indian girls and women were clamorous for their heads; and they were actually conducted to a strong cabin and locked up there for an hour, while the chiefs and leading men were deliberating whether they should or should not make away with the Frenchman. They at last resolved to spare him, to obtain peace by his means; they then left the council, put on their ceremonial dress, and came dancing and singing, to present the calumet to the lieutenant, making him smoke and giving him presents, swearing that henceforward they would regard all Frenchmen as brothers. The Sieur de St. Laurent, charmed at the result, promised the same, on behalf of his countrymen, and they left the fort together to go and present the calumet to the Sieur de Celeron, who accepted it, and promised peace.

After remaining three or four days with these Indians, the captain set out for the army, with a considerable deputation of Chickasaws, who, on their arrival at the camp, cast themselves at the feet of the general and begged peace. They delivered into his hands their two English slaves, and swore to regard the French thenceforward as brethren. Thus were pacified

the troubles with the Chickasaws in the month of April, 1740.* The general then dismissed his auxiliary troops, after thanking them, by presents in goods. Fort Assumption, now useless, was razed, and the army re-embarked to return to the capital, which it reached in safety after an absence of more than ten months, destroying on their way back Fort St. Francis, now equally useless.

Thus peace seems to have restored calm in the province, so that now they can continue forming new settlements on its lands, which are, as we have seen, of the finest quality. Yet, it must be admitted, that if the Chickasaws have thus far kept their word, the Natchez have still continued to be troublesome. They had retired from among those allies, who had received them so well, and roamed about the country without having any fixed abode. In June, two months after the conclusion of the peace, a boat, going from New-Orleans to Illinois, was attacked by them when almost at its destination, all on board killed, its cargo carried off, and the boat itself broken to pieces. In the boat was a girl of fifteen or sixteen, on her way from the Ursuline Convent at New-Orleans, where she had been a boarder, to the Illinois post, where she had a sister married to the storekeeper. This young girl had the good fortune to escape from the Indians and to reach her sister, traveling through the woods and living only on wild herbs.

* This campaign closed the military career of Bienville in Louisiana; and to crown the misfortunes of two disastrous campaigns against the Chickasaws, he was succeeded in the government of Louisiana by the Marquis de Vaudreuil. In 1741, Bienville returned to France, where he died at an advanced age. His martial but benignant countenance has been preserved in a well executed portrait, which now adorns the family mansion of Baron Grant, of Longueuil, Canada. The State of Louisiana should possess a copy of it.

CHAPTER XL.

NEGRO SLAVES.

It would be wrong to suppose the negroes I have so often mentioned to be natives of Louisiana. They are blacks, from the coast of Guinea, sent into the province by the company, and distributed to the colonists at a thousand livres a-piece, payable in three years in colonial produce.* When a slave vessel arrived it was visited by surgeons, who separated the healthy from the sick, and put the latter under treatment. The former were then divided in this way: Such settlers as were named to have negroes went to the commissary-ordinator, and drew from a bag a ticket, whose number denoted the negro or negress that fell to them, each negro having a number around his neck. As for the sick, they were sold at auction, and as there were always settlers who could not get healthy ones, the biddings ran so high that the sick brought as much as the others.

These negroes are fed in their masters' houses, with rice, maize, or other food of the country. Some of these slaves can really rejoice at having fallen into good hands; but there are many, too, who suffer. They are sent to work at daybreak, either in the fields, or at something else; in the course of the

* In 1712 there were but twenty negroes in the colony, and, although Crozat's charter conferred the privilege of introducing them, it does not appear that he availed himself of it to any extent. The first large importation was made under the auspices of the Western Company in June, 1719; and during the existence of the company and or several years afterwards, their agents continued to supply the demand at the rate of three to five hundred annually. The common price for a good negro man was about one hundred and fifty dollars; and for a woman, about one hundred and twenty dollars.—*Historical Collections of Louisiana*, vol. iii., p. 64.

morning they have half an hour for breakfast, and at half-past eleven they go to the house to get their dinner, and then work again from two till sunset, when they come home again, and then, sometimes, must break rice or Indian corn to make bread. Those who have many negro slaves, and are consequently looked upon as lords in the country, do not take the trouble to lead them to work themselves; for this purpose they hire a Frenchman, who manages and watches them. Sometimes a confidential negro holds, and he then carries a whip as a mark of distinction. The negresses go to work like the negroes; and when nursing children, carry them on their backs, and follow the rest.

Most of the slaves clear grounds and cultivate them on their own account, raising cotton, tobacco, &c., which they sell. Some give their negroes Saturday and Sunday to themselves, and during that time the master does not give them any food; they then work for other Frenchmen who have no slaves, and who pay them. Those who live in or near the capital generally turn their two hours at noon to account by making faggots to sell in the city; others sell ashes, or fruits that are in season. Some of these negroes have behaved so well as to gain their freedom, and have begun plantations in imitation of the French.

When a negro maroons, that is, runs away, he is flogged when taken. The punishment is inflicted in this way: he is laid flat on his face on the ground, his two legs kept together, and his arms extended and tied to two stakes so that he forms a letter Y. In this state he receives a hundred or sometimes two hundred blows of a carter's whip. While this is going on, a lighted brand must be kept ready to apply to his face when he does not cry; for it often happens that in their rage at the punishment, negroes have choked themselves by thrust-

ing their tongue over their palate and actually sucking it in. When their skin is thus in shreds, it is rubbed with a sponge dipped in pepper and vinegar. At Cape St. Francis in St. Domingo, they use lemon juice and pimento. This is a painful application, but a sovereign balm, for it cures their wounds in twenty-four hours. After this punishment they are put in irons and kept fasting until they promise to behave better. When a negro commits any crime punishable by death, he is punished in the usual way and his master loses him, but he does not bear the whole loss, the other inhabitants being obliged to contribute with him to make up the price of the negro.*

As the race of hangmen have not yet emigrated, and a well-ordered government must have them, they had to choose one of the company's negroes to fill that post in the early part of the establishment of the colony. His name was Johnny; when he was called and they had explained their wish, he tried to get clear of it, although they promised him his liberty. But when he saw that they would force him to it, he exclaimed: "Well! that is right, wait a moment," and running to his cabin, took an axe, and laying his arm on a block cut off his hand, and returning to the meeting showed his maimed limb, and his consequent inability to exercise the office with which they would have honored him. It is easy to imagine the effect produced by this action: the first thought was to save his life; he was put in the hands of surgeons, cured, and made commander of the company's negroes. As for the office, another less delicate was found, who accepted it as the price of his freedom, so that the hangman in the colony is a negro.

* In order to regulate the treatment of slaves, Bienville drew up a code in reference to them which he promulgated in 1724. It remained in full force till after the cession of Louisiana to the United States, when a new code was drawn up, which is now the law of the land.—*Historical Collections of Louisiana*, vol. iii., p. 89.

CHAPTER XLI.

NEW DISCOVERIES TO REACH THE WESTERN SEA BY THE MISSOURI.

I SHALL close what I have to say of Louisiana, by some remarks sent me by a friend, (Lepage du Pratz,) whom I have already frequently cited. They relate to the Western Sea, and the means of reaching it by the Missouri River. I will in this chapter give his own words :

"An Indian from near the Yazoos," says he, "called Mon-cachtabé, surnamed by the French interpreter, because he spoke almost all the Indian languages of North America, was brought to me at my request. He had been mentioned to me as an extraordinary man for long voyages ; he had in fact traveled three years on the Canada side and one on the other, and in the west-northwest. I received him well, and as he stayed sometime at my house, I was enabled to get from him, at leisure, an account of his travels. In one of our conversations on this subject, I learned the following of his voyage to the west-northwest :

"He ascended the St. Louis (Mississippi) to the Illinois ; thence, crossing the river either on a raft or by swimming, he began to travel by land north of the Missouri, a river which the Sieur de Bourmont, who ascended it to its source, gives a course of eight hundred leagues from its rise till it empties in the Mississippi. Following the north bank of this river, Mon-cachtabé reached a nation said to be the nearest to the place of his departure ; here he made some stay to perfect himself in their language, which he knew already, and to learn that of the nearest nation in the direction where he proposed going. He followed this course, advancing from tribe to tribe, and

thus greatly prolonged the time of his travels, which embraced five years. Having at last reached the source of the Missouri, always keeping to the west-northwest, he visited several nations on a neighboring river, which ran in the opposite direction, since, as he judged, it ran from east to west into a sea, of which the Indian did not know the name; any more than of the river.

“Moncachtabé followed it, however, for some time, always keeping on the same route, but he could not reach its mouth, because the last tribe, where he was forced to abandon his progress, was at war with another between it and the sea. He was very anxious to see it, but the open war between the two tribes prevented it, and even prevented his learning any more about it then, because the few prisoners in the hands of his hosts were too young to give him any information on the point. However, the hope of getting some light in the course of time induced him to stay there a considerable time; he even went on a war party with his hosts, and as soon as winter came, the season set apart by the Indians for hunting and war parties, he joined the first one that started against the enemy. It was not successful; they made no captives, and lost some of the party. The first parties indeed seldom succeed, because the enemy are then on their guard. Moncachtabé was not discouraged; he joined a second party against the same nation, which proved more fortunate. They defeated a party of the enemy and took four prisoners, three men and a woman of about thirty-two, who, taken by our traveler, became his slave. These four Indians were led in triumph by the Indians to their village to be burnt with their ceremonies. The men were indeed burnt, but Moncachtabé kept the woman in his cabin, married her and treated her kindly, in hopes of deriving from her some information on the point he desired.

"In fact, after wiping away her first tears, this woman the more readily answered her husband's questions, and satisfied his curiosity, as he showed her much friendship, and she knew, that he did not belong to the enemies of her tribe. She told him then as follows :

" 'Our country,' said she, 'is only two days' journey from the great water. I went there about four years ago with some men and women of our village to get some of those large shells which they use as ear-rings, and the large flat ones worn by men around their necks. While we were gathering them there appeared on the great water a large piragua, in which there were two or three bodies standing up, with something hanging from the top that swelled up. (This sorry description, it is clear, means only a ship and its sails.) After this large piragua,' continued she, 'we saw a smaller one (a boat); it entered a large and beautiful river, and took wood and water to the large piragua. Those in the little piragua saw us, and we apparently were equally afraid of each other. We returned to a wood on a height whence we could easily see them; they were five days taking in wood and water, and then all got into the large piragua, though we were too far off to see how they got the little one in. After that, they swelled up the hanging thing in the large piragua, and were carried far away, and disappeared from our eyes as if they went down in the water.

" 'As we had had time to examine them during the five days which they spent near us, we saw that the men were smaller than ours, with white skins, black and white hair on the chin, no hair but something round on the head. They wore something on their shoulders which passed over their shoulders, covered their bodies and came down to the middle of the leg; they had also leggings and shoes different from ours. We

never could count more than seven in the little piragua, and one little boy, but no women.'

"Such is, in substance," adds my friend, "the answer of Moncachtabé's wife to that traveler; and from it I am inclined to believe that the great water of which she spoke was the western sea, so long sought."

Think what we may of this account of Lepage's, which some will perhaps regard not as a reality, but as a poor imitation of Robinson Crusoe, it cannot possibly suffice to give our geographers much new light as to the real position of the western sea and the means of reaching it. To have better, the reader must consult De Lisle and Bubache's new map of North America.

[It is much to be regretted that M. Dumont, who lived some years after he returned to France, had not brought down his history of Louisiana to its abandonment to Spain. Few events of importance occurred however in Louisiana from 1740 until that period. The colonists were exempted from disastrous wars, which enabled them to extend their settlements, to cultivate their fields, and to prosecute their trade with the West India Islands. They now began to export some cotton, also, considerable quantities of indigo, peltry, hides, tallow, pitch, tar, ship-timber, and other raw materials. These exports continued, and gradually increased till the country was ceded to Spain in 1762. The fate of the Louisianians will now form the subject of the next memoir, by the Chevalier de Champigny, which will throw new light upon the cruelty and oppression of the Spanish government in Louisiana.]

MEMOIR

ON THE

PRESENT STATE OF LOUISIANA:

BY

CHEVALIER DE CHAMPIGNY,

TRANSLATED FROM THE FRENCH.

PREFACE.

LOUIS XV. had just, by the treaty of Versailles, restored to France the repose and tranquillity which had become an urgent necessity. The multiplied and brilliant victories of the English had totally changed the face of America. Canada had fallen a prey to the conqueror, Florida had been ceded to him in exchange for Havana, and the limits of French Louisiana had been rolled back to the right bank of the mighty Mississippi; the whole left bank, except the isle of New-Orleans, formed by the Mississippi, and Iberville or Manchac River, having been surrendered to the English. They thus became the possessors of the immense tract of country which, running from east to west, lies between the Mississippi throughout its course, and the ocean which bathes the coasts of Florida, New-England and Canada. Hudson's bay bounded these possessions on the north, and the gulf of Mexico in part on the south.

What remained to France of her vast province of Louisiana, comprised a strip eighty leagues from east to west, from the mouth of the Mississippi to Mexico. The Del Norte (Rio Grande) on the west and the Mississippi on the east bounded these possessions, which extended from 29° N. to 50° N., and even beyond.

At the moment of the cession of a part of Louisiana to England, we shall see flashing in its French inhabitants a spark of that fire of loyalty that bound them to their king. We shall see this spark, secretly kindled, burst forth in all its violence at the moment when Spain undertook to enter into possession of a province which France, (through private arrangements, incident however to the treaty,) had ceded to that country to indemnify her for the expenses of the war.

It will, however, I believe, be better to give first a short sketch of what part of Louisiana had been, from its discovery to the treaty of peace in 1762; then, consider it from the dismemberment, to which it was then subjected, till the arrival of the Spaniards, and finally from their arrival to the present time.

These three epochs will form the three ages of the colony: they will divide, accordingly, this memoir into as many parts. The last will be subdivided into two sections: the first will comprise the period between the arrival and departure of Don Antonio de Ulloa; and the second, the subsequent period down to the present.

MEMOIR
OF THE
PRESENT STATE OF LOUISIANA:
BY
CHEVALIER DE CHAMPIGNY.

FIRST PART.

FRANCE will not long forget the famous projector, Law,* who was the first to give any impulse to the colony of Louisiana. After the attempt at discovery by M. de la Salle,† Iberville, a Canadian gentleman,‡ laid the foundations of an establishment in 1699 and 1701 at Mobile and Biloxi, and went around the isle of New-Orleans to reconnoitre the famous river Mississippi, the principal object of his voyage.

As long as that great man lived, he protected this rising colony, composed then of some Canadian families who had come after him. After his death, in 1706, the court neglected Louisiana; the wretched state of the kingdom excluded every

* John Law was the comptroller-general of the finances of France, and projector of the famous "Western Company." See the charter of, in the third volume of the *Historical Collections of Louisiana*.

† For a full account of the discovery and exploration of the Mississippi valley see the first and fourth volumes of the *Historical Collections of Louisiana*.

‡ Iberville was the first royal Governor of Louisiana.—*Historical Collections of Louisiana*, vol. iii., p. 10.

idea of colonization and expense. Louisiana was ceded to M. Crozat in 1712,* retroceded to the king in 1717, and at last Law's project came forth with the ostensible pretext of establishing the India Company there.

The vast territory of Louisiana was represented as the richest part of the world; "pearls," said they, "could be fished there in abundance; the streams which watered it rolled on sands of gold, and that precious metal was found on the surface of the earth without any need of profaning its bosom." What a bait for avarice! The company easily sold at excessive prices estates very rich and fertile indeed. But this was not the object of the purchasers, they wished gold and silver. Immense grants were sold to the wealthiest men in the kingdom. Louisiana was soon occupied by greedy possessors, whose main object was the discovery of mines; but although there are many in that great colony, they were either not discovered at first or did not exist on the grants assigned, or were too remote or too badly located to satisfy the cupidity of the owners. Thus disappointed avarice or miscalculation threw the fault on the territory. The grantees were obliged to abandon an ill-conducted and still more badly executed project. The employés sent into that country perished mostly on the sands of Biloxi, the rest scattered through Louisiana or returned to Europe. Louisiana soon lost the degree of importance which it had enjoyed. The company did not however abandon its plans of colonization which it had resolved to carry out in that vast country.

The settlers sent out soon felt that they must abandon the insane project of mine-seeking to apply themselves exclusively to the cultivation of the ground. The fertility of that,

* See Letters Patent.—*Historical Collections of Louisiana*, vol. iii., p. 38. The monopoly of Crozat was terminated by its surrender. He had advanced the

watered by the Mississippi, encouraged settlements on its banks, and they now thought of transferring to them the chief settlement, which had been first at Mobile, and then at Biloxi.

M. de Bienville,* a brother of Iberville's, founded New-Orleans in 1718, 1719 and 1720. This city, situated on the banks of the Mississippi, thirty-two leagues from the mouth, became the chief town of the colony. The company sent over many settlers at its own expense, but of what character was their choice of persons? They gathered up the poor, mendicants and prostitutes, and embarked them by force on transports. On arriving at Louisiana they were married, and had lands assigned them to cultivate; but the idle life of three-fourths of these folks rendered them unfitted for farming. Necessity vainly calls us to a laborious life, if the knowledge acquired by habit do not enlighten and sustain our efforts.

colony but little. The mines and commerce of Louisiana were now invoked to relieve the debt of France, which now exceeded two thousand millions of livres.

At this period of depression John Law proposed to the regent a credit system which should liberate the kingdom from its enormous burden. Under his auspices a new company was formed, under the name of the Western Company, but better known as the Mississippi. The exclusive commerce of Louisiana was granted to this company for twenty-five years. The stock was divided into two hundred thousand shares of five hundred livres each, to be paid in any certificates of the public debt. The stockholders flattered themselves with large profits, and the Directory soon after declared a dividend of two hundred per cent. The delusion was now complete, and the stock rose to sixty times its par value. In 1719, the Bank of Law became the Bank of France—Law was looked upon as the greatest man of his age. In 1720, the public began to lose confidence in his management; and in May, bankruptcy was avowed by a decree which reduced the value of his notes to one half. He fled to England, and afterwards to Venice, where he died on the 21st of March, 1729, in the 58th year of his age. Such was the issue of Law's celebrated system, which left to the world a lesson on the credit system which it has been slow to learn.

Although it proved disastrous to France, it cannot be doubted that it gave an impetus to the successful colonization of Louisiana.

* See a sketch of the public life of Bienville, in the *Historical Collections of Louisiana*, vol. iii., p. 20.

Accordingly, you cannot find twenty of these vagabond families in Louisiana now; most of them died of misery or returned to France, bringing back such idea which their ill success had inspired. The most frightful accounts of the Mississippi soon began to spread among the public, at a time when German colonists were planting new and most successful establishments on its banks, within five or seven leagues of New-Orleans. This tract, still occupied by their descendants, is the best cultivated and most thickly-settled part of the colony, and I regard the Germans and Canadians as the founders of all our establishments in Louisiana.

The fertility of this country presented important objects of culture; that of tobacco alone sufficed to indemnify the French company for all its expenses in colonization, if, in consequence of the pride which had ruined it, it had not sought to extend its possessions and assume everywhere an air of sovereignty which never sits well on a company of merchants, whose attention should be exclusively directed to the means of extending commercial relations and increasing the number of articles of trade. If the company, instead of building forts at excessive prices, keeping up considerable bodies of troops, raising buildings which served only to gratify vanity and give a vain idea of its greatness and power, and furnishing its agents every means of increasing the expenditure, had confined itself to encouraging the culture of articles of which they knew the importance, we should not now see all good citizens of France sighing over the failure of the attempts to establish a colony, whose fertility is admired and importance felt.

The company then enjoyed in France a monopoly of the tobacco trade, and drew a great quantity from Louisiana,

The post founded at Natchez was as wise as well conceived; this canton would have furnished all the tobacco needed

in France, and the quantity (? quality) is superior to that which this kingdom now derives from our provinces of Maryland and Virginia. The misconduct, cupidity and injustice of the French commanders drove the Natchez to destroy completely all the establishments begun on their lands. In one day they massacred the inhabitants, pillaged the storehouses, and the whole colony would have met the same fate but for the assistance of an old woman, who found a means of hastening the day chosen by all the nations in unison, for massacring the French scattered through that vast province. By this means the Natchez alone massacred the settlers among them.

On escaping from this danger, the French had no alternative but to take quick vengeance, in order to strike other Indians with awe and hold them in check.

The Natchez who had struck the French post were destroyed, and of that nation, once the oldest and most important in all Louisiana, there remain now only some few families dispersed in other tribes.

After this heavy loss, and the outlay of immense sums uselessly spent in forts and buildings, the preservation of Louisiana became burthensome to the company.* Its monopoly, too, was expiring; and the king, having accepted its surrender in 1732, sent out cargoes of men and women, in whose selection the same vice prevailed, and which accordingly could not but result as did those of the company. The little revenue derived, the immense sums which had without return to be poured into that rich country without any visible advantage, and

* The monopoly which Crozat and the India Company enjoyed and enforced, checked and destroyed in some degree the incipient trade which the colony enjoyed before the peace of Utrecht. Yet it cannot be denied that at the surrender of the charter, the colony was found in a prosperous condition; the white population had increased from seven hundred to upwards of five thousand, and the black from twenty to two thousand persons.

the wars necessarily carried on with the Indians, sickened them of a colony thenceforward regarded as a burthen.

Let us say all. The Frenchman, quick to conceive and undertake, would have the execution and success keep pace with the vivacity of his character. Hence his inaptitude for founding colonies; hence his failure in the attempts made by his nation; for, if we compare their possessions to those of the Dutch and English, we must, after observing the means used by both, admit that new establishments require the same *régime* as children; they must be furnished with the necessary food, suitable to their development, be neither hampered nor pushed on prematurely, leaving time and nature to bring the work to perfection.

I pass rapidly over the events which concern Louisiana. The notes will supply the deficiency. The various Indian wars carried on by France from 1730 to 1762, form the most interesting portion. They serve to prove that the colonists in Louisiana were animated with the same spirit of patriotism which rendered the conquest of Canada so difficult. But I intend to regard only the political side of Louisiana, and in this view I stop to consider an event stated in the different memoirs, which have within the last few years appeared on that colony.

The money current there, as in our New-England provinces, was paper having the value of silver. In Louisiana this paper was signed by the intendant, comptroller and treasurer; every year a certain quantity was withdrawn and bills of exchange on the royal treasury in France given instead. Nothing was better planned. Sales and exchanges were at once facilitated, and the connection between the colony and the mother country strengthened. The war of 1744 multiplied expenses and prevented drawing bills of exchange. The quantity of paper

spread in the place exceeded the sums destined by the government for the colony. It was in consequence called in, the holders losing two-fifths of the value—a signal fault, though represented as necessary and indispensable, but which has greatly impeded the progress of the colony.

The peace of 1748* tended to make the evils produced by the depreciation of the paper currency less sensibly felt. A contraband trade with the Spaniards of Mexico and Havana brought much silver into the colony between 1748 and 1752. But an essential, though then unnoticed vice in this trade was, that it was not based on the productions of the colony ; it was founded on the affluence of strangers, who brought their dollars and Campeachy wood. This flourishing state could last only as long as the trade lasted ; yet all turned their attention to trade and neglected agriculture. Lands were abandoned, comfortable planters sold their negroes and cattle to engage in commerce ; but from 1753, when M. de Kerlerec came to succeed M. Vaudreuil,† the Spaniards no longer ap-

* After the peace of 1748, the French ministry took a deep interest in the settlement of Louisiana, and held out encouragements to all those who wished to establish themselves there. They gave lands, cattle, and instruments of tillage to all settlers.

† The Marquis de Vaudreuil was promoted to the government of Canada. He was the son of a distinguished officer who had been governor-general of Canada, and belonged to an influential family at the French court. His arrival in the colony was therefore hailed with joy, as the harbinger of better days. His administration was long remembered as a brilliant one.

Kerlerec, his successor, was a captain in the royal navy. He had been twenty years in active service, and was distinguished for his bravery. He reached the Balize on the 9th of January ; and on the 9th of February, 1753, he was installed Governor of Louisiana. He began his administration by being kind to the Indians, especially to the powerful tribe of Choctaws. He reduced the army to thirteen hundred men. Although the French government had recommended the strictest economy, and had reduced the army, the expenses for the year 1754 amounted to near a million of livres. In the following year the English had attacked the French in Canada, and he expected soon to be attacked himself. In 1757, they had cut off nearly all communication between France and Louisiana,

peared in Louisiana in such numbers; this governor was accused of having kept them off, but if he did it with the view of recalling the colonists to agriculture, they can complain only of the means he took to attain it. The fact is, that when these Spanish interlopers abandoned Louisiana the colony was loaded with all the useless mouths that had subsisted by the Spanish trade. Agriculture having been neglected, no longer furnished the same resources; the city had been peopled at the expense of the country.

Avarice, which always finds real or apparent means of satisfying itself, invented a very onerous one to repair the evil caused by the departure of the Spaniards; this was to increase the royal expenses, and we may say that they had no more moderate limits than the motives to which they owed their existence and their excess. The forts which the French king had in different parts of the colony were objects of office-seekers.* These men, led there by cupidity, carried the ex-

and he had to send to Vera Cruz for ammunition and supplies. The fate of the colony was approaching. The Choctaws and Alibamons threatened to join the English, unless they received supplies. Things continued to get gradually worse, when, on the 3d of November, 1762, the king of France ceded to the king of Spain this splendid province, which extended from the Gulf of Mexico to the shores of the Pacific. On the 29th of June, 1763, D'Abadie landed at New-Orleans, and Kerlerec soon after departed for France, where he was thrown into the Bastille to answer charges made against him. Here he was confined for some time, and after his release, it is said, he died of grief.—*Gayarré's Archives of France.—Martin.*

* These posts were Point Coupée, Natchitoches, Natchez, Arkansas, Illinois, Mobile, Tombeckbé and Alibamons. They served as retreats for Indian traders. Under Kerlerec's administration the commanders of these exclusively carried on the trade, and disposed at will of the royal stores intended as presents for the Indians. After exhausting these, they sold goods to the king at exorbitant prices, and frequently the very articles which they had abstracted. I have heard on this point strange items of expense, the most entertaining are these, viz: it cost the king of France ten thousand francs to clear a prairie! and in another post twenty thousand francs in one year for milk for the hospital. The garrison of the post must have been suckled all that year!

penses to unheard-of sums, for they depended on their will, or rather on their caprice. They drew bills of exchange, which the comptroller (commissaire-ordonnateur) of New-Orleans was obliged to accept in the king's name. All this took place during the last war, and expenses are mentioned which are perfectly incredible, so barefaced and ridiculous are they.

The great quantity of paper showed the necessity of depreciating its value, and before the king had spoken, commerce had taxed it. His Christian majesty acted much more favorably than was supposed; for the paper was reduced only half, while on 'change at New-Orleans they lost three-quarters.*

It is easy to see how such shocks injured the progress of the colony. They soon combined with other causes to produce the unhappy state into which that province fell, at the time when I was drawn there with the troops sent by the English government, to begin establishments on the ceded territory. The information which I acquired enables me to say positively, that the two main causes of the weakness of the colony at all times are, first, a neglect to encourage agriculture and thereby a medium of exchange; and secondly, the mismanagement in the expenses incurred in the king's name. All believe that Louisiana would have been able to sustain Canada and carry French conquest into the very heart of the English possessions in North America, had the French government thought more seriously of the means of increasing the power of that portion of the new world!—had it animated the different branches of cultivation, for which it is better adapted than any other part of North America—had posts been opened

* The amount of paper at this time afloat in the colony was about seven millions of livres, which was selling at the rate of about five livres in paper for one of specie. About this time, too, a memorial was written proposing to restore confidence by adopting a plan for the withdrawing of all paper money in the colony.

for commerce, means of exchange instead of means of cupidity and revulsions been presented, and a deaf ear been turned to those who, impelled by avarice, proposed at times to shackle agriculture under the false pretext of encouraging commerce.

Such is the idea that I conceived of the main causes of the languishing state of that colony; and we shall be convinced of their accuracy, when in the second part we see Louisiana recovering her strength when the colonists turned their attention to agriculture.

This part will embrace the period between the peace and the arrival of the Spaniards; and the success of so short a period will tend to prove what I have advanced in the first part, "that the neglect of agriculture was the main cause of the state of weakness in which the colony was in 1762."*

* In the Archives of the Escurial, there is a document in which Spain states her impossibility to send supplies to the colonists, but recommends it as the interest of France and Spain to retain Louisiana. As early as 1762, the king of France wrote to Kerlerec, that, by the preliminaries of peace, he had ceded to the king of England a part of Louisiana, and had also resolved upon ceding the other part to his cousin, the king of Spain.

SECOND PART.

*WHAT LOUISIANA WAS FROM THE PEACE OF 1762 TILL THE ARRIVAL
OF THE SPANIARDS.*

THE Frenchman loves his king as the Englishman loves his country; this love, more disinterested in the former, is as worthy of high praise. These two different springs produce in each nation similar acts of patriotism. In the last war we saw the Canadian recognize welfare and happiness only under French rule, and for it sacrifice fortune, children, life; and, after the peace, half the inhabitants of Canada abandon their lands, and run the risk of dying from want in France rather than enjoy the ease which their possessions assured them under a free and peaceful government.

We see this same patriotic fire extend to Louisiana among all the colonists who were on the part ceded to the English.

We shall, in the third part of this work, show this spark the origin of a great conflagration which might have produced the most surprising revolution; but we are, at present, to consider what transpired between the peace of 1762 and the arrival of Don Antonio de Ulloa. This period embraces, if we may use the expression, the manhood of the colony—a glorious time, indeed, but too short.

The English, as I have already said, had acquired the cession of Florida and all Louisiana east of the Mississippi, whose course became common to the two nations, French and English. The former, however, preserved the isle of New-Orleans, formed by Iberville River and the lakes. The circumference of this island is about 150 leagues, but all the land is not inhabitable; in fact, only the banks of the Mississippi are. The city lies on

the island which bears its name, thirty-two leagues from the mouth of the river, and one league from a narrow channel running to Lake Ponchartrain, which connects with the gulf. As the entrance to this lake belonged to the English,* commerce with the French was secured to them on all sides, as the principal French establishments are on New-Orleans island, and communicate with the city by the river and lakes. The gulf shore at Pensacola and Mobile is of a white sand, unfit for cultivation, rendering it indispensable to communicate and trade with the French colony of Louisiana. The English government had felt it, and by leaving the isle of New-Orleans to the French, they assured themselves a trade which cannot possibly be prevented, and which is, moreover, necessary and very advantageous to the inhabitants.

At the moment when the treaty of peace was published, the French, whose possessions lay on the part now become English territory,† were seen abandoning their lands and proceeding with their negroes and stock to territory which they believed, as the treaty pretended them, to be still French. In some places they had only to cross the river. They showed no regret at the constant sight of the plantations which they had abandoned.

Who can refuse a tribute to such sacrifices? The promises of the English, the facilities which they afforded, retained only such colonists as could not abandon their possessions without exposing themselves to starvation.

* See the correspondence between Col. Robertson and Gov. d'Abadie, in 1763, on the commerce of the lakes.

† Prior to this period the whole territory on both sides of the Mississippi, situated between the northern lakes and the Gulf of Mexico, and between the Mexican and Alleghany Mountains, went under the name of Louisiana. That part of it ceded to the English lost the name, but the new acquisition of Spain retained it. In 1762, the king of France sent instructions to M. d'Abadie respecting the delivery of Louisiana to England and Spain.

Monsieur d'Abadie was appointed by the French king governor of the part of Louisiana which had been left him by the treaty of peace. The city had the rank of a port of entry, and M. d'Abadie had the direction of the custom-house, thus uniting the two offices of intendant and governor of that wretched colony; the deplorable state in which he found it, left him no hope of ever seeing it attain the splendor to which he saw it could be raised. Yet, he employed wisely and understandingly the best means to attain it. He felt that a spirit of trade and exchange had seduced many. To recall some to agriculture and inspire a taste for it, and destroy all hopes of making fortunes otherwise, he diminished the excessive expenses of the government, giving a surer and more profitable direction to agriculture; he flattered the hopes of the colonist, and endeavored to open markets for articles that could employ the greatest number of inhabitants, such as tobacco and rice. Lastly, he permitted the English to trade with the colonists, and even encouraged, them to supply negroes.*

No governor had till then perceived, as M. d'Abadie did, the real means of prosperity for Louisiana; but the colony was three or four years in arrear, and this debt was first to be liquidated. The Louisiana merchants owed a great part of the invoices shipped by houses in France, and M. d'Abadie had to seek means to send back all these sums in order to restore the colony's credit, entirely lost since the war. This he could not effect without incurring the hostility of the merchants, who looked with a jealous eye on the English stores at New-Orleans. But the welfare of the colonial cultivator called for his first attention. Commerce he could always

* English merchants for a number of years supplied Louisiana and the American colonies with negroes from Africa.

restore, and with applause, when the colonial produce, augmented by the facilities offered the cultivator, had furnished the merchants sure means of exchange and speculation.*

A premature death unfortunately carried off this worthy man, at the very moment when he was most occupied with means of elevating the colony ; which had as yet but slightly experienced the efficacy and certainty of those means. His death was not accordingly as much regretted as it should have been.†

He was, moreover, replaced by M. Aubry a man whose valor had won the highest praise in the last war, and whose

* The merchants addressed a memorial to M. d'Abadie on the 7th of June, 1764, depicting the wretched condition of the colony produced by the depreciation of paper money. This document contains a practical refutation of the paper system, and shows its demoralizing effects.—*Archives of France*.

† M. d'Abadie was appointed by the king, director-general in 1774, in which year he arrived in Louisiana. This magistrate was profoundly distressed with the duty he was instructed to perform, and the grief which it occasioned caused his death on the 4th of February, 1765. It is stated by a writer of this period, that he died universally regretted. "A disinterested ruler, just towards all, and inflexibly firm in causing the laws to be respected, he severely repressed the excesses of masers towards their slaves, and protected the Indians from every kind of oppression. By his example, he caused religion and morality to be honored ; and left a memory dear to all Louisianians."

In October, 1764, M. d'Abadie announced the cession to the colonists. This intelligence plunged the inhabitants into the deepest consternation. They indulged however the fond hope that their united exertions might avert the impending calamity. Every parish was accordingly invited to send its most notable planters to a general meeting in New-Orleans in the beginning of the following year. It was attended by almost every respectable planter from the province, and by almost every person of note in New-Orleans. Lafreniere, the attorney-general, addressed the meeting in a patriotic speech, which he concluded with a proposition, "that the sovereign should be entreated to retrace his steps, and that an agent should be sent to France to supplicate his majesty." The proposition was assented to without a dissenting voice, and Jean Milhet was selected for the important mission. He went to France, and at Paris he was assisted by Bienville, the former governor of Louisiana, who bewailed the dismemberment of Louisiana. He called with Milhet on the Duc de Choiseul, but as he was the prime mover of the measure, they were denied access to the king, and the mission failed. Milhet returned to New-Orleans ; reported the ill success of his mission, and ended his days as a state prisoner in the Moro Castle, Havana.

social virtues made him generally respected. It was not remarked that the qualities of a good soldier and a good citizen do not necessarily suppose those necessary for government, the administration and finances. M. Aubry, an excellent grenadier, had no quality to fit him for governing properly a colony situated as Louisiana was then. A talent far superior to this governor's was needed to carry out the important work begun by M. d'Abadie, and to fulfil worthily the difficult commission imposed upon him.

The planter who, under M. d'Abadie, had felt the necessity of devoting his time to cultivation, and whose essays had proved how advantageous it would be, did not relax under M. Aubry, from whom he expected as much protection and encouragement as he had received from his predecessor.

But sometime before his death, in 1763, M. d'Abadie had received from the French court notice of the cession of Louisiana to Spain, by an act passed at Madrid and Versailles at the time of the peace of 1764. No one knew why this cession had been so long kept secret, or why France had after that sent a governor and troops in her pay. The French king, announcing the cession, ordered M. d'Abadie to enter the letter*

* *Louis the Fifteenth to M. d'Abadie.*

"MONSIEUR D'ABADIE :—Having, by a special act, passed at Fontainebleau, November 3d, 1762, ceded, voluntarily, to my dear and well-beloved cousin, the king of Spain, his heirs and successors in full right, purely and simply without exception, the whole country known under the name of Louisiana, as well as New-Orleans and the island on which that city is situated; and the king of Spain having, by another act, passed at the Escorial, on the 13th of November, in the same year, accepted the cession of the said country of Louisiana, city and island of New-Orleans, according to the annexed copies of these acts; I address this letter to inform you that my intention is, that on the receipt of this letter and the copies annexed, whether it reaches you through the officers of his Spanish majesty, or directly by the French vessels charged with its delivery, you will resign into the hands of the governor therefor appointed by the king of Spain,

in the council minutes, that the different departments in the province might refer to it when necessary.

I was an eye-witness of the consternation which this overwhelming news produced at New-Orleans. A general despair would have followed, had they not fondly hoped that the cession would never actually take place. They could not conceive

the said country and colony of Louisiana and its dependencies, with the city and island of New-Orleans, in such state as they may be at the date of such cession, wishing that in future they belong to his Catholic majesty, to be governed and administered by his governors and officers as belong to him, in full right and without exception. I accordingly order, that as soon as the governor and troops of his Catholic majesty arrive in the said country and colony, you put them in possession, and withdraw all the officers, soldiers, and employés in my service in garrison there, to send them to France or my other American colonies, or such of them as are not disposed to remain under the Spanish authorities. I moreover desire, that after the entire evacuation of the said port and city of New-Orleans, you collect all papers relative to the finances and administration of the colony of Louisiana, and come to France and account for them. It is, nevertheless, my intention that you hand over to the governor or officer thereto appointed all the papers and documents which especially concern the government of the colony, either relative to the colony and its limits, or relative to the Indians and the various posts, after having drawn proper receipts for your discharge, and given said governor all the information in your power to enable him to govern said colony to the reciprocal satisfaction of both nations. It is my will that there be made an inventory, signed in duplicate by you and his Catholic majesty's commissary, of all artillery, effects, magazines, hospitals, ships, &c., belonging to me in said colony, in order, that after putting said commissary in possession of the civil edifices and buildings, an estimate be made up of the value of all the said effects remaining on the spot, the price whereof shall be paid by his Catholic majesty according to such estimate. I hope, at the same time, for the advantage and tranquillity of the inhabitants of the colony of Louisiana; and in consequence of the friendship and affection of his Catholic majesty, I trust that he will give orders to his governor or other officer employed in his service, in said colony and city of New-Orleans, to continue in their functions the ecclesiastical and religious houses in charge of the parishes and missions, as well as in the enjoyment of the rights, privileges and exemptions granted to them by their original titles; to continue the ordinary judges, as well as the superior council; to render justice according to the laws, forms and usages of the colony; to guard and maintain the inhabitants in their possessions; to confirm them in possession of their estates according to the grants made by the governors and intendants (*ordonnateurs*) of said colony, and that such grants be deemed and reputed confirmed by his Catholic majesty, even though not yet confirmed by me. Hoping, moreover, that his Catholic majesty will be pleased to give his subjects in Louisiana the

how France could abandon a colony so convenient for her European and West Indian trade. They saw how little benefit it could be to Spain. They still imagined, so much did they fear a change of government, that the cession of Louisiana was only a temporary political arrangement, and such as could conceive it to be real, redoubled their ardor to increase the revenue in the hope and desire of laying up a competence in Europe. Nobody accordingly thought of becoming a Spaniard, so dear is country to every virtuous heart.

Then was felt what encouragement and emulation the several objects of produce would have done. The various motives which animated the colonists all concurred to the same end; industry was carried to its highest point; machines were everywhere raised to multiply force and facilitate works.

Revenues everywhere doubled, nay tripled in some places. Louisiana indigo, till then depressed, equaled that of St. Domingo in quality and value, such was the care devoted to its manufacture. More expeditious and convenient saw-mills considerably increased the lumber trade; cotton was planted, and its quality tested by manufacture.* All took life, and the colony of Louisiana would have become the richest, most populous and powerful establishments in the New World.

same marks of affection and good-will which they experienced under my government, the greater effects of which the evils of war alone prevented their feeling. I order you to register this, my present letter, in the superior journal at New-Orleans, in order that the different states of the colony may be informed of its contents, that they may have recourse to it in time of need. The present letter having no other object, I pray God, M. d'Abadie, to preserve you in his holy keeping.—Given at Versailles, April 21, 1764.

(Signed) "LOUIS.

(Countersigned) "THE DUKE DE CHOISEUL."

* Indigo and cotton appear to have been the only staple productions of Louisiana at this time, although sugar-cane had been cultivated by the Jesuits as early as 1751.

We read in the memoirs published about this colony, that a great number of Acadians prepared to leave New-England to come and join their countrymen on the banks of the Mississippi, but the news of the cession of Louisiana to Spain, induced some to remain where they were, others to go to St. Domingo or Cayenne. Many took refuge in France, and were sent to Corsica; Canadian families were on their way to settle in Louisiana, believing it still French, but learning the change of government in time, settled at Detroit. Yet, who would have been happier than the Acadians, had they chosen to avail themselves of the offers of the English government?* But their love of country rose above every other consideration; they aspired only to live under a French rule, and to enjoy it faced the greatest dangers. They would in preference have gone to Louisiana, the climate of which was more like that of Acadia. What an advantage for France! what a population for Louisiana, if it had not changed rulers! "Happy," says the author of one of these memoirs, "Happy, if France had only to regret these generous citizens!" But the total loss of the colony of Louisiana will necessarily follow its cession to a power so little fitted to turn it to advantage.

In fact, if we examine the Spanish colonies, what do we see? Misery and oppression spread over a few wretched settlers scattered over vast territories, rendered deserts by the cruelties of that nation; thousands of slaves a thousand times

* This is mere flattery of England. There is scarcely an act of her government more disgraceful to common sense and common humanity than her treatment of the Acadians. Williamson, in his History of the State of Maine, has given a thrilling account of their cruel treatment and expulsion by the English from Acadia. From the 1st of January to the 15th of May about six hundred and fifty arrived at New-Orleans. Part of this number were sent to form settlements in Attakapas and Opelousas, and the remainder settled on the banks of the Mississippi, which is to this day called the Acadian Coast.

more unhappy than the most abused beasts, for they are better able to know the extent of their misery, and all employed in wringing from the bowels of the earth the contemptible metals which drew that nation to the new world. The men whom they pretend to call free in Spanish colonies are born serfs to every man sent to command in the name of His Catholic Majesty, and who all successively become gorged with the blood of those whom they harass and oppress. By abusing the power confided to them, these tyrants become arbitrary, and the wretch who dares complain or mourn soon falls a victim for his natural feelings.

Is it possible, that under a just king, engaged in Europe in elevating the well-being of his states and extending abundance and fertility, not one generous soul can be found to carry to the foot of his august throne the cries of the wretched inhabitants of his colonies? The picture that could be drawn of the horrible vexations to which they are subjected, would touch his great and magnanimous soul, but cupidity carefully keeps aloof the man bold enough to address the monarch in accents of truth. For soon would follow the destruction of the means which the rapacity of his officers finds of sating itself in the blood of the wretches whom it overwhelms with misery. There are too many interested in maintaining them.

This picture, which the sight of the Spanish colonies daily presents to the people of Louisiana in still more odious colors, was brought to New-Orleans with the announcement of the speedy arrival of the Spaniards. The general terror would necessarily call up the patriotic feelings which attach Frenchmen to their king, and in general every man sensible to a government which watches over its happiness and well-being. We shall see the effects in the third part of this work, which

will comprise the interval between the arrival of De Ulloa and that of O'Reilly. It is unhappily the period of the decadence of Louisiana. It had since the peace enjoyed some splendor only to prove itself susceptible of it. We shall see its flattering hopes vanish, like the flash of lightning followed by the storm..

THIRD PART.

WHAT LOUISIANA WAS FROM THE ARRIVAL OF THE SPANIARDS TO THE
YEAR 1771.

SECTION I.

FROM THE ARRIVAL OF ULLOA TO HIS DEPARTURE.

WHEN posterity shall cast a serious glance on preceding ages, and a natural feeling of justice and humanity shall fix their attention on the events which I have now to relate, they will scarcely believe that an age as polished as ours could have produced acts of such cruel severity; they will confront epochs, and be tempted to ascribe facts so incredible to those barbarous times when the human heart, abandoned to itself, was capable of the most sanguinary acts.

When posterity shall read that a judgment so iniquitous and so full of inhumanity as that pronounced against some inhabitants of Louisiana, issued from a court where some enlightenment and philosophy too are reigning, they will doubt the authenticity of the facts, or at least will draw the reflection of the wise man on the misery inseparable from the throne.

“Truth never approaches it; daily deceived by those around him, the best king commits the evil he abhors, and lets the guilty go unpunished, innocent in his belief, while desolated families mourn the death of the just man.”

With the torch of truth in my hand, I am about to mark with care the steps of those noble-hearted men whose patriotism I can never sufficiently praise; of those men, whose

virtues, firmness and magnanimity will ever be an honor to our race—of those men whom a barbarous animosity seems to have chosen, that the splendor of their merit might make it more remarkable. So, in a numerous herd, the fattest and best-looking are selected for sacrifice. So, in his garden, the cruel Roman struck down the poppy-heads that nature had raised above the others. Sad emblem of that reflective cruelty which the world calls prudence and policy, but which the wise man more justly deems barbarity.

However, let us first relate the facts which usher in that cruel event.

A year had elapsed since the receipt of the king's letter announcing the cession of Louisiana, when Don Antonio de Ulloa wrote from Havana to the superior council at New-Orleans a letter, in which he assumed the title of Governor of Louisiana, —announcing the protection of a beneficent king was preparing all hearts to gratitude, and such was the feeling which prepared the brilliant reception given to Ulloa.

A man threatened with a great danger believes that he has escaped as soon as he sees the least help, no matter how barbarous the hand that proffers it. Such was the position of the inhabitants of Louisiana.* They justly shuddered at the cruelties and vexations with which the Spanish colonies were op-

** Ulloa to the Superior Council.*

"GENTLEMEN,—Having lately received orders from his Catholic majesty to repair to your city and take possession of it in his name, and in conformity therewith, I avail myself of this occasion to acquaint you with my mission, and to give you notice that I shall soon have the honor of coming among you to fulfill this commission. I flatter myself in anticipation, that it will afford me a favorable occasion to render all the service that you or the colonists can desire, of which I beg you to assure them that in this I will but discharge my duty and gratify my inclinations."

"I have the honor to be, &c.,

"ANTONIO DE ULLOA."

"HAVANA, July 10, 1765."

pressed; but an animal to be broken to the yoke must be petted for a time. No one expected that the first years of this domination would not be stamped with beneficence and equity. Hope, the faithful companion of desire, showed a retreat to Europe as an easy thing at the end of a few years, and it was supposed that, at the moment of taking possession, a term would be fixed for those who should decide to leave the country.

The entry of the Spanish governor was too flattering not to seduce three-fourths of the colonists, but sensible men easily discovered the poison under the honey. Some superstitious minds viewed as an ill omen the thunder and lightning which accompanied the Spaniards from their entrance into the river till their arrival at New-Orleans. We leave to ages of ignorance these auguries and omens; our business is with facts.

They sufficed to strike terror into the firmest minds. Politeness, courtesy, civility, nothing was spared to prove to Ulloa the desire of corresponding to the happy intentions which he manifested. The Creole, naturally good, credulous, generous and sensible, carried his attentions even to meanness. Perhaps this conduct excited the interior contempt of a man who had imbibed all the Spaniard's hatred for other nations, and especially the French. It and his character soon appeared in their true colors in this way.

Don Antonio de Ulloa,* a man to whom knowledge and

* Don Antonio de Ulloa was descended from a family distinguished in the maritime annals of his country. He was born in Seville, on the 12th of January, 1716, and entered the navy at a very early age. The first scientific expedition in which he served was that which was sent out by France and Spain to measure an arc of the meridian at the equator, to determine the configuration of the earth.

He returned to Spain in 1746, and in two years afterwards published his

erudition were ascribed, had not the proper talents for managing men. He had not penetration enough to know them, nor impartiality enough to avoid injustice or correct a false judgment. He had not that amenity, that mildness, that engaging way which gains all hearts, and above all a Frenchman's. He had not that happy combination of severity and clemency which can punish or pardon in reason. Obstinate, nothing was better than his own plans; violent, he confounded in his rage all those he dealt with; imperious, his will was law; minute in his projects, vexatious in their execution, arrogant when yielded to, timid and supple when resisted, inconsiderate in his plans, destitute of dignity, of generosity, shut up in his cabinet, appearing only to disoblige. Such was the man in soul. In body it would be hard to be thinner or smaller than Ulloa; a sharp, weak voice announced his disposition. His

"Historical Relation of a Voyage to South America." Shortly after, he was promoted to a captaincy in the navy, and set out on a tour through Europe by order of the king. On Charles III. ascending the throne, he was promoted to the command of a fleet to the East Indies. He returned to Spain, and was appointed to the government of Louisiana. On the 5th of March, 1766, he arrived at New-Orleans. Acting with his usual benevolence, the king instructed Ulloa not to make any changes in the laws and usages of the province, and so desirous was Ulloa to conciliate those over whose destinies he had come to preside, that on his arrival he promised to keep at a fixed rate the depreciated paper of the country, which now amounted to about seven millions of livres. He likewise ascertained the wants and resources of the country, and agreed to discharge the most pressing demands against it.

On the 6th of May, Spain issued a decree, permitting a direct commerce between Louisiana and the French islands. The colonists, however, became dissatisfied with subsequent commercial restrictions, which produced a great excitement in the colony, and Ulloa had to flee for safety to the Balize. Here he effected an arrangement with Aubry, the nominal French governor, to deliver the province up to him, which was accordingly done. A greater part of the year passed away in comparative quiet, but a secret conspiracy had been set on foot to drive him from the province; among whom, were Lafreniere, Foucault, Marquis, Noyan, Villeré, Milhet, Petit, Caresse, Poupet and Boisblanc.

On the 28th of October, a petition was signed by about six hundred persons, demanding restoration of some ancient rights and liberties, and the expulsion of the Spaniards from the country. This was presented to the superior council,

features, though regular, had something false withal; large eyes, always bent on the ground, darted only stealthy glances, seeking to see and be unseen. A mouth, whose forced laugh announced knavery, duplicity and hypocrisy, completes the portrait of Don Antonio de Ulloa.

Let us have the French governor's to act as companion-piece. A knowledge of a man's natural disposition often enables us to judge a man's actions more certainly than we can judge character by actions often misrepresented. M. Aubry was a little, dry, lean, ugly man, without nobility, dignity or carriage. His face would seem to announce a hypocrite, but in him this vice sprang from excessive goodness, which granted all, rather than displease; always trembling for the consequences of the most indifferent actions, a natural effect of a mind without resource or light; always allowing itself to be guided,

who issued a decree that Ulloa and the Spanish troops should leave the colony in three days. On the evening of the 31st of October, Ulloa embarked with all his troops and sailed for Cadiz, where he arrived on the 4th of December, 1768. Here he wrote an account of all that had transpired to the Marquis of Grimaldi.

Aubry, the French governor, also wrote a dispatch to the same minister, stating, that "notwithstanding his great learning, Ulloa was not the proper person to govern Louisiana—for, instead of endeavoring to gain the hearts of the colonists, he did every thing to alienate them; while Foucault wrote that Ulloa committed every day some act of inhumanity or despotism. The superior council represented to the Duke de Praslin that through the misdeeds of Ulloa the colony had been thrown into a state of beggary and starvation, and by malicious and restrictive legislation they were prevented from acquiring the means to pay their debts. They concluded, by supplicating the king to retake possession of the colony and annul the treaty of cession. After Ulloa returned to Spain he was promoted to the grade of lieutenant-general of the royal navies of Spain. He died in the island of Leon, on the 3d of July, 1795, at the advanced age of eighty. He published, in 1772, a work entitled "*Noticias Americanas*;" and in 1773, a valuable work on the Naval Forces of Europe and Africa. Townsend, who visited him a short time before his death in Cadiz, represented him as a true philosopher, full of wit and learning, sprightly in conversation, and of elegant manners. The different points of his character have been discussed by Gayarré in his admirably written History of Louisiana, from which this sketch has been in part drawn up.

and thus often swerving from rectitude in conduct; religious through weakness rather than from principle; incapable of wishing evil, but doing it through a charitable, human weakness; destitute of magnanimity or reflection; a good soldier, but a bad leader; ambitious of honors and dignity, but possessing neither firmness nor capacity to bear the weight.

Such is the portrait of the two men who ruined Louisiana, the one through malice, the other by weakness; the Spaniard from hatred and animosity, the Frenchman by ignorance of his powers and what he owed to the position he filled.

Let us see them in action.

The first act which should have followed Ulloa's arrival in New-Orleans was the taking possession of Louisiana in the name of the Spanish king; but eighty wretched soldiers whom he had brought with him were not in his eyes a sufficiently respectable force to control a colony of which he had already conceived a most unfavorable idea, and this was the pretext which he gave when called upon to take possession. An offer was made to let the French troops remain in Spanish pay, but the soldiers demanded their discharge. The term of their engagement was already tripled, and they could not without injustice be made to serve another prince; they were accordingly left in the French pay, because Ulloa threatened, in case they persisted in pressing him to take possession, to leave and report to the king, his master, the reasons of his retirement.

Aubry, fearful of prejudicing the courts of Versailles and Madrid against him, if he pressed it, acquiesced in all that Ulloa wished, abstained from pressing the act of taking possession, and let himself be guided completely by that man's caprice.

Examine the memoirs published on the revolution which took place in that country, and we see Aubry acting as ser-

geant-major, and often as valet to Ulloa. We see him blindly follow his will, and obey him as eagerly as he would a superior. At every step we see this French governor and his authority exposed to humiliation and the contempt of an arrogant Spaniard. Meanwhile, the French troops continued to act under their national flag; the eighty Spanish soldiers were in barracks and unemployed. The council acted in the name of the French king, and it appeared natural that till possession was taken all orders should emanate from Aubry. The whole colony turned to him; when anything was asked of Ulloa he put it off till after the taking possession, and that moment was considered as that of the change of government.

The Spaniard's delay in taking this authentic and necessary step left a hope that he would sicken his country of a colony which he every day repeated was unfit for Spain, and this hope stifled some of the groans which his conduct would otherwise have elicited.

When Ulloa was sufficiently certain that his threats had alarmed the feeble mind, and his promises seduced the interested heart of Aubry, he no longer kept up appearances. If he needed a conference with the French governor, he sent a sergeant or a negro for him; if he spoke to him, it was with the arrogance of an insolent superior. Once only Aubry, moved by his impertinence, resented it. The supple Spaniard at once bent and yielded, to resume soon after, with more assurance than ever, an empire which he feared to dispute too long.

The colony witnessed with lively indignation Aubry, daily for hours together, awaiting in Ulloa's ante-chamber, until the moment when the haughty man should deign to appear. Authority was weakened, the royal dignity dishonored in the man appointed to sustain it. All the French were mortified

at this humiliation, and when it falls on hearts unused to it, it inspires rage and fury, if vengeance is not prompt enough.

Ulloa daily extended his powers, and Aubry kept only a shadow of authority;* and this went so far that it was impossible to distinguish which was the head. Each gave orders; yet Aubry often sent men to Ulloa, and the Spaniard always affected to leave the whole authority to Aubry, always saying that he had not taken possession. He had, however, persuaded the court of the contrary in this way :

An act was passed between Aubry and Ulloa, by which the former certified that he had resigned to the latter the colony of Louisiana agreeably to the orders of the king, his master, and in virtue of the powers received by said Ulloa from his court. This act was signed by the two governors in duplicate, and was to be exchanged to the two courts.

It will, perhaps, be imagined that this treaty was made public, read, posted up, and attended with all the formalities that announce a change of government. Not at all. The inhabitants of Louisiana had not even on this occasion the necessary satisfaction given to a sold slave, that of knowing the moment when he was to obey his new master. M. Aubry communicated this iniquitous and informal act to only two persons, after pledging them to the most profound secrecy; and they divulged it only after the revolution. But it is not enough to have put this invalid and unjust act before the reader; but let us hear from Aubry's own lips the means employed by Ulloa to extort it.

" Ulloa, intimidated by the representations of the merchants to the council, and by some threats purposely pronounced in

* We shall hereafter see, however, Aubry avowing in open council, that Ulloa had never shown him anything but a letter of M. de Grimaldi, in Spanish, a language that Aubry did not understand, and this letter announced to Ulloa, as he explained it, his appointment as Governor of Louisiana.

his hearing, retired to the Balize, which is at the mouth of the river, thirty-two leagues from the capital. I received a letter from him, in which he informed me that he had matters of the greatest importance to communicate. I at first hesitated as to abandoning my government, but circumstances, it seemed to me, required this step on my part, and I went to the Balize. Ulloa represented to me that the two courts would, perhaps, take it amiss that possession had not yet been taken, and I knew it was impossible for him to take it; that, accordingly, to satisfy both monarchs he begged me to sign an act which he proffered, by which I certified that I transferred the colony to him by virtue of the powers I had from my court and he from his. So informal a transaction shocked me, and I insisted on an authentic taking of possession, which could be ignored by none—such, in a word, as good sense, custom and the law of nations required. Ulloa tried to convince me of its inutility; I insisted. He then promised to take possession as soon as he returned to town. I was some days irresolute. Ulloa was continually after me; at one time he entreated, at another he threatened to complain of my refusal. I was greatly embarrassed; but I at last accepted a proposal he made me, and which seemed to fulfil the object of the publicity. I signed the act in question, on condition that the act of taking should be performed publicly on his return to town, and that the act passed between us should be read publicly before the garrison of Balize, which was to be immediately relieved by a Spanish detachment."

Have you never seen a school-boy threatened, coaxed, frightened, by a severe master, to do something he required? The child resists, cries, is stubborn, but yields at last, but under conditions that seem to him a complete victory gained over his

master. Such was M. Aubry before Ulloa. But let us conclude the French Governor's account.

"The act passed between us," continues Aubry, "and it was agreed that each should send a copy to his court. I gave orders to M. de Lorme, a French officer commanding at the Balize, to have his troops under arms next day at eight o'clock. Ulloa gave the same order to the Spanish officer, who had accompanied him with a detachment; but at daybreak Ulloa entered my room to tell me that it was useless to read the act before the troops at the Balize, as he would soon go to town. I countermanded the order given to the French officer, and he did the same with the Spanish officer. The next day I returned to town, leaving Ulloa at the Balize."

Soon after, difficulties arose between the Spanish governor and the French officer commanding at the Balize. The latter had orders from Aubry to obey Ulloa as himself, in consequence of which the orders of Ulloa were obeyed. He changed the position of Balize and placed it on the left bank of the river, proceeded there and raised the Spanish flag.* The French flag floated on the other side, where the French officer and his detachment still continued.

During his stay at the Balize, Ulloa sent twelve boats, loaded with troops and munitions, to go and take possession of the posts in the Illinois. The whole colony was amazed at this infraction of received usages. Nothing seemed more extraor-

* Balize was the port at the entrance of the Mississippi on the west side in French times. Ulloa took it into his head to change this post, or rather to establish another on a little island, to which he gave the pompous name of Real Catolico San Carlos. This island, like all others at the mouth of the Mississippi, was not permanent, but exposed to the ravages of the sea and river. Ulloa undertook to make it solid, and spent £25,000 in his attempt, half of which was a dead loss.

dinary than to see two different governments, two flags, and two commanding officers in the same country.* The colonists went to Aubry, who pacified them, by saying that he was to retain command till possession was taken, which Ulloa would do as soon as he came from the Balize. This moment was always deferred. "The troops," said the Spaniard, "were on the way," in fact, at Havana, as he pretended, although it is an indisputable fact he knew that at that port there were only fifteen or twenty men for Louisiana, intended to replace as many dead or deserted.

* This condition of things is confirmed by Aubry's dispatch to the French government, dated 20th of January, 1768. "I command," says Aubry, "for the King of France, at the same time I govern the colony as if it belonged to the King of Spain. A French commander is gradually moulding Frenchmen to Spanish domination. The Spanish governor urges me to issue ordinances in relation to the police and commerce of the country, which takes the people by surprise, considering that they are not used to such novelties. The Spanish flag is now waving at the extremities of the province. It is at the Balize, at Missouri, on the banks of Iberville River, and opposite Natchez. M. Ulloa has just established these posts, which was done peaceably. It has produced no change in our posts, which still continue in existence. So that, in all those which are on the banks of the Mississippi, from the Balize to the Illinois, the French flag is kept up as before."

Again, in another dispatch, Aubry says: "The governor whom His Catholic Majesty has sent here, is a man full of merit, of learning and of talents; but as an exception to the well-known temperament of his nation, he is exceedingly hasty, and it seems to me, that he does not listen sufficiently to the representations addressed to him. It is a cause of discontent in those who have business with him. I had wished that the officer sent to take command of this government had possessed the art of managing the public mind, and of gaining the hearts of the inhabitants. Men are not to be ruled with haughtiness and pride, with threats and punishments. Marks of kindness and benevolence, with judicious promises, would have been necessary to reconcile the colonists to the exchange of dominion which has come upon them. This was the only course to be pursued, in order to win the affection of new subjects who regret their former master.

"If the Spaniards do not act with mildness, and if they attempt to govern this colony like a Mexican one, most of the people will abandon their lands, and cross over to the English, who are on the opposite side of the river. Thus, in a few years, the Spanish part of Louisiana will become a desert." He concluded with informing the French court that the measures taken by Ulloa were not calculated to give popularity to the Spanish government.—*Gayarré*.

Who does not feel indignant at such conduct? What base, mean trickery! And yet it was on this illegal act only that O'Reilly was to judge as Spaniards, men who had been ceded without being told of it. But all I have thus far related is only a slight sketch compared to what remains for me to tell, or to omit, as I may think best.

Money at last came from Havana. Ulloa knew that the non-payment of the troops had caused some murmuring; he hoped, by appeasing them, to be able to appear in town with a little more security for his life; for, according to the idea which he had formed, he was in constant fear that the colonists would make an attempt on it.*

On returning to the city he was as polite as possible, flattered them with the fondest hopes, announced advantageous projects, which he never entertained, read letters of congratulation on the conduct of the colonists towards him, received, as he pretended, from the court. He flattered cupidity, promised to take possession soon, and somewhat restored calm in the public mind. But this calm lasted only as long as he could contain his temper, and above all his hatred and contempt for the French.

In spite of the complaints which Ulloa repeated a thousand times, he never received from the inhabitants anything but politeness, deference and respect. Complaints and murmurs were carried to Aubry, who appeased them, exhorted all to patience, assuring them that the French court was informed by all his letters of the just ground on which the colonists had based their complaints.

Meanwhile, tyranny was gradually being established and

* This fear was pardonable in a man who, if we believe public report, had been obliged to escape by night from a town he commanded in Peru, on his hearing that the discontented inhabitants wished to burn him in his house.

despotism gained new strength. Ordinances were annulled, or made a dead letter; the subjects of the French king were ill treated and imprisoned by order of the man invested with authority by no public or recognized act.

Never was there a more cruel and critical position than that of the colonists of Louisiana. Was the colony ceded or not? If ceded, why did not Ulloa take possession? and why did Aubry continue to govern? Why did the council judge in the name of the King of France? If not ceded to Spain, what was Ulloa doing in Louisiana? Why did he command, unopposed by Aubry? Why, too, was French authority alone recognized and predominant? What was the object of this mixture of authority, the more destructive, as no one knew to whom to apply for a redress of the grievances which occurred daily?

The act of cession, if it took effect, was to bring under a new domination the happiness of a people of which they could not have as yet lost the remembrance. Such was the sacred promise of the French king to his Louisiana subjects—a promise which only confirmed the natural feeling that kings have received power only for the happiness of the people.

But, where were they to claim these sacred rights of man? To whom address their representations? Ulloa would not listen to them, protested that he had no right, and threatened those who made them with the greatest chastisement on his reception. If they applied to M. Aubry he promised the support of the French court, and evils but increased amid this frightful perplexity.

An edict† announced from Europe crowned their despair.

* By a private arrangement entered into between Ulloa and Aubry on the 20th of January, 1767, it was agreed that the colony should be delivered up to Ulloa, and that Aubry should govern it for the time being.

† This decree was issued by Ulloa on the 6th of September, 1766. The ex-

Non-intercourse with France, duties, imposts. Was this a foretaste of the promised felicity? to lose all hope of intercourse with their country, and almost the hope of ever reaching it. What a future for Frenchmen, whose sacrifices had proved their attachment to their prince!—for Frenchmen, who breathed only for the moment when they should be permitted to renew in Europe an oath of allegiance from which nothing as yet had dispensed them.

Here, their patriotic feeling awoke with all the energy that an essay of tyrannical power could give them even before its recognition. The desire of escaping it was naturally the first movement which succeeded this outburst. But to do so without being criminal, this is the next thought of a Frenchman. The colonists certainly are not accused of having abandoned this principle.

They had many ways of escaping the growing tyranny, and enjoying the rights given them by nature, and by the royal promise to happiness and repose. They knew that under the English government they would have all the prerogatives of liberty. They beheld the victorious Britons extending them the hand; they had but to cross the river to escape vexations; but an oath of fidelity attached them to France. Nothing as yet had destroyed this dear and sacred bond. Duty, love, honor, all opposed their emigration; all prevented their listening to the favorable proposals of the English government; all, in fine, obliged them to close their ears to the flattering

citement created by this act of Spain was intense. The desire to throw off the yoke was now generally discussed, and even the scheme of independence was favorably received by the colonists, although it was afterwards abandoned as a Quixotic measure. "The Duke de Choiseul," says Bancroft, "as early as 1765, foreseeing the coming fortunes of the new world, expressed his regrets for Louisiana, because he foresaw that the American colonies must soon become independent, and predicted the result of the final struggle between England and her colonies."

promises made to such as should settle on the possessions of the English king.

They could not complain to the court of Spain of the evils threatened them by Ulloa, and with which he smote the colony. They were induced to believe that political reasons kept the courts of Madrid and Versailles in suspense as to the possession of Louisiana, inasmuch as the Spanish envoy did not carry out his powers. He might be commissioned by his court to examine the colony and render an account. It is well known that Ulloa frequently styled himself simply Inspector. In this quality, without taking possession, and not having been recognized, he had no right to command, still less to harass; for not even the act of taking possession would give this, contrary to the orders, will and desire of the king, his master. Another reason confirmed the French in the idea that particular arrangements still preserved Louisiana for France; among others, that Aubry had not executed the French king's order* announcing the cession, and ordering the Governor of Louisiana to transfer the colony as soon as any came entitled to receive it in the name of the Spanish king—at least, they were justified in believing Ulloa not that person.

The inhabitants of Louisiana, always regarding themselves as subjects of the king of France, and being so in fact—as no taking of possession, no public act, either on their part or that of their magistrates, had attached them to any other rule—could recur to none but the French tribunals established for the relief of his subjects, to render them justice when necessary. The French king announcing the cession, seemed to foresee all the difficulties it would entail, as he ordered M. d'Abadie to have his royal letter enrolled in the superior council of Louisi-

* Aubry had received official instructions to cede Louisiana in April, 1766.

ana, that "the people of the colony of all ranks and conditions might, in case of need, recur thereto, and to publish and post the same;" all of which D'Abadie had done.

Could the people of Louisiana follow any path but that marked out by the king's letter? They accordingly drew up a memorial, in which some of their complaints against Ulloa are set

DECREE OF THE SUPERIOR COUNCIL.

LOUIS, by the grace of God, King of France and of Navarre, to all who shall see these presents, greeting : We make it known that the Superior Council of the Province of Louisiana, having taken into consideration the humble representations, made this day to that court, by the planters, merchants, mechanics and others ; and whereas the relief of a people, to whom the council is a father ; the support of the laws, of which it is the depository and interpreter ; and the improvement of agriculture and commerce, of which it is the patron, are the motives of the representations of said planters, merchants and others ; said council has proceeded to adjudicate as follows on these important matters :

What momentous objects are these for the council ! Can it, after having duly weighed them, give attention to any other subject, except so far as it may contribute to these favors ! Let it, for a few moments, suspend its arduous labors, to attend to those subjects, which are now represented as most worthy of its attention and ministry : and thou, dear country, whose prosperity is the object of our most ardent wishes ; and you who are to us what Sparta, Athens and Rome were to their zealous citizens, suffer us to pay a legitimate debt by consecrating to thee this weak tribute of our love ! It will be dictated by our hearts, whose inspirations an obedient hand is ready to record,

Seven millions of royal paper constituted all the currency of this colony and the fortune of its citizens ; the total withdrawing of this capital, the payment of which his majesty suspended by an edict of October, 1759, has reduced the province of Louisiana to the most deplorable situation. We shall not undertake to enter into a detail of the calamities, of the ruined fortunes, of the downfall of families, which were the fatal consequences of that catastrophe. The council, every time it assembles to take cognizance of the affairs of the unhappy victims of that event, has before its eyes a more striking picture of our misfortunes than it is possible for us to paint. Recovered from the depression into which they had been plunged, the citizens of Louisiana had begun at last to breathe ; they had considered the conclusion of the war as the end of their misfortunes, and entertained hopes that the return of peace would be the moment destined for their relief. Agriculture, said the planter, that surest and most positive wealth for a nation, that prolific source from which flow all the blessings which we enjoy, will now be revived, and will repair, a hundred fold during the peace, the losses which we underwent during the war ; commerce, without which the fruits of the earth have neither worth nor value, will be vivified and protected, said the mer-

forth. That against which they could most justly weigh, was his obstinacy in wishing to govern without taking possession; and they asked that this man, from whose tyranny they had all

chant. Sweet illusions and flattering projects, what is now become of you! The planter, the merchant, all ranks and classes in the colony, undergo, in the most profound peace, misfortunes and calamities which they never felt during a long and bloody war.

The first stroke by which the colony was afflicted, was the information it received of the cession made of it by his majesty to Spain. Nobody, doubtless, will be surprised at the profound grief which this news excited in all hearts. The French love their monarch above all things, and a happy prejudice makes all men naturally incline to the government under which they are born. Let us cast a veil over this event; the pen drops from the hand of a Frenchman when he attempts to analyse it. What at present seriously occupies, and should engross the whole attention of the court, is the contemplation of those facts which are the forerunners of that slavery with which a new administration threatens the colonists of Louisiana. At one time we behold an exclusive company, which, to the prejudice of the nation, is empowered to carry on all the commerce of the remaining possessions of the French in North America; we next see the appearance of an edict which confines within the narrowest bounds the liberty necessary to commerce, and forbids the French to have any connection with their own nation; it is replete with prohibitions and restraints; the merchants of Louisiana everywhere meet with obstacles to be surmounted, difficulties to be overcome, and (if it be allowable to make use of such an expression) enemies of their country to be overthrown. In Europe, a period of six months will sometimes elapse before persons that fit out vessels know whether they shall obtain passports; we have no better success at St. Domingo, when expeditions to this river (Mississippi) are in question. The Prince of Monbazon, commander-general of the island, begins to refuse them. In Louisiana, in the very centre of the colony, where a person of the meanest understanding sees, at the very first glance, how much it stands in need of encouragement and patronage, we do meet with more favor.

The government, about twelve months ago, forbade the importation of negroes, on the pretext that the competition would have proved injurious to a merchant of the English colonies, who was to furnish them. How terrible and how destructive a course of action is this! It is depriving the colony of the materials best calculated to develop its resources; it is cutting up by the roots a branch of commerce which is of more consequence to Louisiana than all the rest put together. To promote systems of this sort is tantamount to the desire to convert into a vast forest, establishments which have cost infinite pains and trouble. The vigilance of the court will easily discover the cause of these contrarieties; the efforts of its zeal will destroy it; and its affection for the colony will save it from destruction. Constraint keeps the affairs of the province in a state of languor and weakness; liberty, on the contrary, animates all things; no one is at present

to fear, should leave the colony with the frigate and the Spaniards he had brought, and that the act of taking possession should be postponed till the French king decided their fate.

ignorant that the granting of exclusive privileges may be justly considered as a sort of vampire, which imperceptibly sucks and consumes the people, drains the currency, and crushes agriculture and commerce ; it is an oppressive method, which, for the happiness of mankind, has been long since banished from the French colonies.

To what fatality is it owing that Louisiana alone sees sparks of this devouring fire again struck out ! These are no panic terrors ; and of this the court will be convinced, after perusing the decrees, with an extract of which we have the honor of presenting them. We shall not scruple to affirm, that the carrying of the plan which it contains into execution, would ruin the colony, by giving agriculture and commerce the most dangerous wounds. The inhabitants of Louisiana already despair of the preservation of their country, if the privileges and exemptions which it has hitherto enjoyed are not continued ; if the execution of the fatal decree, which has alarmed all hearts and filled them with consternation, is not prevented ; if an ordinance, published in the name of His Catholic Majesty, on the 6th of September, 1766, of which a copy is here subjoined, is not annulled as illegal in all its points, and as contrary to the increase of agriculture and commerce ; if, finally, the mild laws, under which the inhabitants have lived till now, were suffered to be violated. We should never forget the sublime discourse which an illustrious magistrate addresses to the legislators of the earth : “ Are you,” says he, “ desirous of abrogating any law, touch it but with a trembling hand. Approach it with so much solemnity, use so many precautions, that the people may naturally conclude that the laws are sacred, since so many formalities are required in the abrogation of them.”

How mortifying it is for Frenchmen to suffer all the rigors to which their commerce is subjected, whilst their ambitious rival openly carries on the trade of the colony, to the prejudice of the nation to which it belongs, which contributed to its establishment, and which is at the expense of it ! We do not fear that it will be objected, that the French alone are not able to supply the continent with all the commodities which it wants. A loan of seven millions, which the inhabitants of Louisiana made to the king, from the year 1758 to 1763, will be an eternal monument of the extent of the French commerce, and of the attachment of the colonists to their sovereign's service.

It is just at the time when a new mine has been discovered ; when the culture of cotton, improved by experience, promises the planter the recompense of his toils, furnishes persons engaged in fitting out vessels, with cargoes to load them ; when the manufacture of indigo may vie with that of St. Domingo ; when the fur-trade has been carried to the highest degree of perfection which it has as yet attained ; it is in these happy circumstances that certain enemies to their country, and broachers of a false system, have imposed upon persons in office, to induce them to sacrifice the inhabitants of New-Orleans. Let the court no longer

This memorial, signed by a majority of the inhabitants, was carried to the Superior Council, and the 28th of October, 1768, was appointed for the day of the general assembly.

defer the relief of a people which is dear to it ; let it make known to those invested with royal authority the exhausted state to which this province would be reduced, if it were not soon to be freed from the prohibitions which would plunge it into irremediable ruin. What would be thought of a physician, who, being possessed of a panacea, or universal remedy, should wait for a plague in order to reveal it ? It is by the trade to the Leeward Islands that the inhabitants of Louisiana find means, every year, to dispose of fourscore or a hundred cargoes of lumber. Should this branch of trade be taken away, the colony would be deprived of an annual income of five hundred thousand livres at least—a sum which the work of the negroes and the application of the master produce alone, without any other disbursement. According to the observation of a celebrated author, it would be better to lose a hundred thousand men in a great kingdom by an error in politics, than to be guilty of one which should stop the progress of agriculture and commerce. It is well known that those who present plans to obtain exclusive privileges, are never without plausible reasons to make them appear economic and advantageous, as well to the king as to the public ; but the experience of all ages and all countries evidently demonstrates, that those who seek exclusions have their private interest solely in view ; that they have less zeal than others for the prosperity of the state, and have less the spirit of patriotism.

The execution of the decree relative to the commerce of Louisiana would reduce the inhabitants to the sad alternative of either losing their harvests for want of vessels to export them, or of exchanging their commodities in a fraudulent manner with a foreign nation, exposing themselves to undergo the rigor of the law, which ordains that those who carry on a contraband trade shall lose both their lives and liberties. What a life is this ! what a struggle ! It is but too true, as has been already observed, that the report of the new ordinance alone has caused a considerable diminution, not only in the articles of luxury, but likewise in landed estates. A house which was heretofore worth twenty thousand livres would hardly sell for five thousand. Some will, perhaps, assert that the scarcity of money contributes also to this diminution. But how much greater will be the scarcity of specie, when the colony shall either be delivered up to an exclusive company, or the ambition of five or six individuals, who form but one body ? It will then resemble a member grown to a monstrous bulk, at the expense of the substance of the rest, which would become withered and palsied. The body would thereby find itself threatened with a total destruction. It was only by openly favoring the introduction of negroes, that this colony was raised to the flourishing state which it appeared to have attained in 1759.

Perhaps it will be said, to dispel these alarms, that the gold and silver which have been made to abound in the place by a new administration, may indemnify for the losses of agriculture and commerce. But, judging of the future by the

M. d'Ulloa, alarmed at these steps of the colonists, concerted with Aubry means of stopping them. They found none more prompt and efficacious than to intimidate by threats; but men

experience of the past and of the present, that resource will be found to be very weak, as nobody can pretend not to know that, among the various treasures which the earth contains in its bosom, gold and silver are neither the chief riches nor the most desirable. These metals have reduced their natural possessors to a deplorable state, and the masters of those slaves have not thereby become more powerful. They appear, from that moment, to have lost all spirit of industry, all disposition to work, like a laborer who should find a treasure in the midst of his field, and thereupon forsake his plow forever. Besides, how many acts of severity have been committed against peaceable citizens by a stranger, who, though invested with a respectable character, has observed none of the formalities, nor performed any of the duties prescribed by the act of cession, which provides for their peace and tranquillity. We shall mention an old ship-captain who was confined by his orders, and whose vessel was detained in port during eight or ten months, for not having been able to read in the decrees of Providence that the vessel, in which he had dispatched certain packets intrusted to his care, would be cast away. A similar tyranny was exercised by the person invested with this illegal and unjust authority, against two captains belonging to Martinico, who had been guilty of no other crime than that of not having guessed that the Council of Louisiana had issued an edict forbidding the introduction of the creolized negroes of the Leeward Islands. What ill usage has an old citizen suffered, on account of a packet which had been put into the hands of the captain of one of his ships, who, having met with contrary winds, was unable to deliver it at Havana!

How shall we describe the barbarity with which the Acadians were treated! These people, the sport of fortune, had determined, under the impulse of a patriotic spirit, to forsake all that they might possess on the English territories, in order to go and live under the happy laws of their ancient master. They arrived in this colony at a great expense, and scarce had they cleared out a place sufficient for a poor thatched hut to stand upon, when, in consequence of some representations which they happened to make to Mr. Ulloa, he threatened to drive them out of the colony, and have them sold as slaves, in order to pay for the rations which the king had given them; at the same time directing the Germans to refuse them a retreat. It remains to be determined whether this conduct does not border upon barbarism; but we think we can presume to conclude, without exaggeration, that it is diametrically contrary to the political system which favors the encouragement of population, in all its branches and by every means. Those who complain (and who is there so far broke to the yoke as to bear, without murmuring, inhumanities so horrid!)—yes, we declare it, those who complain are threatened with imprisonment, banished to the Balize, and sent to the mines. Now, though Mr. Ulloa may have been invested with some authority, his prince never commanded him to exert it

impelled by right are not easily intimidated; seditious men would have been alarmed; but the colonists were very far from being such. They followed a plan dictated by their

in a tyrannical manner, nor to exercise it before having made known his titles and powers. Such oppressions are not dictated by the hearts of kings; they agree but ill with that humanity which constitutes their character, and directs their actions.

Were we to enter into a detail of all the mortifications which the French of New-Orleans have undergone, we should hardly make an end of the recital. It were to be wished, for the honor of the nation, that as many of them as have transpired might be obliterated by the precious effects of the protection of the Superior Council, which is now applied for. And it is foretold that the inhabitants of Louisiana will, in order that their tribulations be complete, be reduced, in process of time, to live barely on *tortillas*, although the most frugal sort of food would not be a matter of complaint on their part. In the mean time, the preservation of their lives, their obligations to their creditors, their sense of honor, which flows from the sacred source of patriotism and of duty; finally, the circumstance of the attack made on their property and means of subsistence by that very decree, induce them to offer their possessions and their blood, to preserve forever the dear inviolable title of French citizen. All that has hitherto been said leads them naturally to demands or requests, to which the zeal of the court for the public good, and its steadiness in supporting the laws of which his most Christian majesty has made them the depositories, assure them that it will give the most favorable reception. But before they proceed to state their requests, they must acknowledge the kindness with which they were treated by Mr. Aubry. The wishes of the public have always corresponded with the choice of the prince in assigning him the chief command over the province of Louisiana; his virtues have caused the titles of honest man and equitable governor to be adjudged him; he never made use of his power but to do good, and all unjust deeds have to him ever appeared impossible. They are not afraid of being reproached that gratitude has made them exaggerate in any particular; to neglect bestowing deserved praises is to keep back a lawful debt. And then conclude, finally, by entreating the court:

1. To obtain that the privileges and exemptions which the colony has enjoyed since the cession made by the company to his most Christian majesty, should be maintained, without any innovations being suffered to interrupt their course, and disturb the security of the citizens.

2. That passports and permissions be granted from the governors and commissioners of his most Christian majesty, to such captains of vessels as shall set sail from this colony to any ports of France or America whatever.

3. That any ship sailing from any port of France or America whatever, shall have free entrance into the river, whether it sail directly for the colony, or only put in accidentally, according to the custom which has hitherto prevailed.

4. That freedom of trade with all the nations under the government of his most

king; they addressed his tribunal; but they thereby destroyed Ulloa's work; they opposed a legal obstacle to the chains he would have imposed. Ulloa menaced hanging, the galleys, &c.

Christian majesty be granted to all the citizens, in conformity to the king's orders to the late Mr. d'Abadie, registered in the archives of this city, and likewise in conformity to the letter of his grace the Duke of Choiseul, addressed to the same Mr. d'Abadie, and dated the 9th of February, 1766.

5. That Mr. Ulloa be declared to have, in many points, infringed and usurped the authority hitherto possessed by the government and council of the colony, because all the laws, ordinances and customs direct that said authority shall not be exercised by any officer until he shall have complied with all the formalities prescribed; and this condition Mr. Ulloa has not observed. He should, therefore, be declared to have infringed and usurped the authority of the government:—1. For having caused the Spanish flag to be set up in several parts of the colony, without having caused to be registered in the archives of the Superior Council, the titles and powers which he may have had, and of which the assembled citizens may have been informed. 2. For having, of his own accord, and by his own private authority, insisted upon captains being detained with their ships in the port, without any cause, and for having ordered subjects of France to be confined on board of a Spanish frigate. 3. For having caused councils, in which decrees were issued concerning the inhabitants of Louisiana, to be held in the house of Mr. Destréhan. They request that, on account of these grievances, and many others publicly known, and likewise for the tranquillity of all the citizens who apply for the protection of the council, they be freed, for the future, from the fear of a tyrannical authority, and exempted from observing the conditions in the said decree, by means of the dismissal of Mr. Ulloa, who should be ordered to embark on board of the first vessel which shall set sail, in order to depart, whenever he thinks proper, out of the dependencies of this province.

6. That orders be given to all the Spanish officers who are in this city, or scattered throughout the posts appertaining to the colony, to quit them, in order to depart likewise, when they shall think proper, out of the dependencies of the province; and, finally, that the court be pleased to order that its decree, when rendered, be read, published, and set up in all the usual places of the town, and collated copies sent to all the posts of the said colony.

The foregoing representations being signed by five hundred and thirty-six persons—planters, merchants, tradesmen, and men of note; considering, likewise, the copy of the decree, published by orders of his Catholic majesty, neither signed nor dated, and another copy of an ordinance published in this city, by order of Mr. Ulloa, of the 6th of September, 1766; the interlocutory decree issued yesterday, upon the requisition of the king's attorney-general, ordering and directing that, before the decision of the court, the said representations be put in the hands of Messrs. Huchet de Kernion, and Riot de Launay, titular councilors, to be by them examined, and afterwards communicated to the king's council, in order that what the law directs may be enacted concerning them—all

Aubry promised to support him. The inhabitants, informed of these resolutions, proceeded to Aubry's; they represented the evils under which they groaned, and the necessity of resisting the

these particulars being taken into consideration, the king's attorney stood up and said :

" *Gentlemen*,—The first and most interesting point to be examined is the step taken by all the planters and merchants in concert, who, being threatened with slavery, and laboring under grievances which have been enumerated, address your tribunal, and require justice for violations of the solemn act of cession of this colony.

" Is yours a competent tribunal ? Are these just complaints ?

" I shall now proceed to demonstrate the extent of the royal authority invested in the Superior Council. The parliaments and superior councils are the depositories of the laws, under the protection of which the people live happy ; they are created and organized to be, from the very nature of their official tenure, the sworn patrons of virtuous citizens, and they are established for the purpose of executing the ordinances, edicts, and declarations of kings, after they are registered. Such has been the will and pleasure of Louis, the well-beloved, our liege lord and king, in whose name all your decrees, to the present day, have been issued and carried into execution. The act of cession, the only title of which his Catholic majesty's commissary can avail himself, to make his demands *aucloritate et proprietate*, was addressed to the late Mr. d'Abadie, with orders to cause it to be registered in the superior council of the colony, to the end that the different classes of the said colony may be enabled to have recourse to it upon occasion, that instrument being calculated for no other purpose.

" Mr. Ulloa's letter, dated from Havana, July 10th, 1765, which expresses his disposition to do the inhabitants all the services they can desire, was addressed to you, gentlemen, with a request to make it known to the said inhabitants that, in thus acting, he would only discharge his duty and gratify his inclination. The said letter was, by your decree, after full deliberation, published, set up and registered, as a pledge of happiness and tranquillity to the inhabitants. Another letter of the month of October last, written to Mr. Aubry, proves that justice still continues to be administered in the colony in the name of Louis the well-beloved. It results from the solemn act of cession and its accessories, that the planters, merchants and other inhabitants have the most solid basis to stand upon, when they present you with their most humble remonstrances ; and that you, gentlemen, are fully authorized to pronounce thereupon. Let us now proceed to a scrupulous examination of the act of cession, and of the letter written by Ulloa to the Superior Council. I think it likewise incumbent on me to cite, word for word, an extract of the king's letter, which was published, set up and registered.

" This very solemn act of cession, which gives the title of property to his Catholic majesty, secures for the inhabitants of the colony the preservation of ancient and known privileges ; and the royal word of sovereign lord, the king, promises, and gives us ground to hope for others, which the calamities of war

violence of a man who had no recognized title. They reminded him of the king's letter, which enjoined them to apply to the council for the ratification of the articles of cession. They

have prevented him from making his subjects enjoy. The ancient privileges having been suppressed by the authority of his Catholic majesty's commissioner, property becomes precarious. The act of cession, which was the mere result of good-will and friendship, was made with reserves which confirm the liberties and privileges of the inhabitants, and promises them a life of tranquillity, under the protection and shelter of their canon and civil laws. As property accruing from a cession by free gift cannot be claimed and obtained, except on the condition of complying, during the whole possession of said property, with the reserves contained in said act of cession, our sovereign lord, the king, hopes, and promises himself that, *'in consequence of the friendship and affection shown to him by his Catholic majesty, he (said C. M.,) will be pleased to give such orders to his governor, and to all other officers employed in his service in said colony, as may be conducive to the advantage and tranquillity of the inhabitants, and that they shall be ruled, and their fortunes and estates managed, according to the laws, forms and customs of said colony.'* Can Mr. Ulloa's titles give authority to ordinances and orders which violate the respect due to the solemn act of cession? The ancient privileges, the tranquillity of the subjects of France, the laws, forms and customs of the colony, are rendered sacred by a royal promise, by a registering ordered by the Superior Council, and by a publication solemnly decreed and universally known. The sole aim of the letter of our sovereign lord, the king, was to grant to the different classes of the colony a recourse to the act of cession. Therefore, nothing can be better grounded or more legal than the right of remonstrating, which the inhabitants and citizens of the colony have acquired by royal authority.

"Let us proceed to an examination of the letter of Mr. Ulloa, written to the Superior Council of New-Orleans, dated the 10th of July, 1765. I shall here cite, word for word, the article relative to the Superior Council and the inhabitants :

"I flatter myself, beforehand, that it will afford me favorable opportunities to render you all the services that you and the inhabitants of your town may desire, of which I beg you to give them the assurance from me, and to let them know that, in acting thus, I only discharge my duty and gratify my inclinations."

"Mr. Ulloa proved thereby the orders which he had received from his Catholic majesty, conformably to the solemn act of cession, and manifested a sentiment which is indispensable in any governor who is desirous of rendering good services to his king in the colonies.

"Without population there can be no commerce; and without commerce, no population. In proportion to the extent of both is the solidity of thrones; both are fed by liberty and competition, which are the nursing mothers of the state, of which the spirit of monopoly is the tyrant and step-mother. Without liberty there are but few virtues. Despotism breeds pusillanimity and deepens the abyss of vices. Man is considered as sinning before God, only because he retains his free will. Where is the liberty of our planters, of our merchants, and of all our other

assured him, moreover, that Ulloa had no ground to fear his life; that they respected the title with which he pretended to be invested, but at the same time requested Aubry that the assembled council should pronounce.

inhabitants! Protection and benevolence have given way to despotism; a single authority would absorb and annihilate everything. All ranks, without distinction, can no longer, without running the risk of being taxed with guilt, do anything else but tremble, bow their necks to the yoke, and lick the dust. The Superior Council, the bulwark of the tranquillity of virtuous citizens, has supported itself only by the combined force of the probity and disinterestedness of its members, and of the confidence of the people in that tribunal. Without taking possession of the colony; without registering, as was necessary, in the Superior Council, his titles and patents, according to the laws, forms and customs of the colony, and without presentation of the act of cession, Mr. Ulloa has caused a president, three councilors, and a secretary, nominated for the purpose, to take cognizance of facts which belonged to the jurisdiction of the Superior Council, and in which French citizens were concerned. Often did discontents and disgusts seem to force you to resign your places, but you have always considered it as a duty of your station of councilors to the most Christian king, to alleviate and calm the murmurs of the oppressed citizens. The love of your country, and the sense of the justice due to every citizen who applies for it, have nourished your zeal; it has always been rendered with the same exactness, although you never thought proper to make representations on the infractions of the act of cession. You have always feared to give encouragement to a mass of discontented people, threatened with the most dreadful calamities; you have preferred public tranquillity. But now the whole body of the planters, merchants and other inhabitants of Louisiana apply to you for justice.

"Let us now proceed to an accurate and scrupulous examination of the grievances, complaints and imputations contained in the representations of the planters, merchants and other inhabitants. What sad and dismal pictures do the said representations bring before your eyes! The scourges of the last war, a suspension to this day of the payment of seven millions of the king's paper money, issued to supply the calls of the service, and received with confidence by the inhabitants of the colony, had obstructed the ease and facility of the circulation; but the activity and industry of the planter, and of the French merchant, had almost got the better of all difficulties. The most remote corners of the possessions of the savages had been discovered, the fur-trade had been carried to its highest perfection, and the new culture of cotton, joined to that of indigo and tobacco, secured cargoes to those who were engaged in fitting out ships. The commissioner of his Catholic majesty had promised ten years of free trade, that period being sufficient for every subject of France, attached to his sovereign lord and king. But the tobacco of this colony being prohibited in Spain, where those of Havana are the only ones allowed, the timber (a considerable branch of the in-

Aubry promised that the troops should be armed only to prevent disorder, and to prevent any intended violence to Ulloa. He was present at the council, when it was decided that Ulloa and all the Spaniards should leave the colony, and

come of the inhabitants) being useless to Spain, which is furnished in this article by its possessions, and the indigo being inferior to that of Guatemala, which supplies more than is requisite to the manufactures of Spain, the returns of the commodities of the inhabitants of this colony to the peninsula became a ruinous trade, and the said inhabitants were delivered up to the most dreadful misery. His Catholic majesty's commissioner had publicly declared his conviction of the impossibility of this country's trading with Spain; all patronage, favor, encouragement, were formally promised to the inhabitants; the title of protector was decreed to Mr. Ulloa; the hope and activity necessary to the success of the planter were nourished by the faith and confidence reposed in these assurances of the Spanish governor.

"But by the effect of what undermining and imperceptible fatality have we seen a house worth twenty thousand livres sold for six thousand, and plantations, all on a sudden, lose one-half or two-thirds of their intrinsic value! Fortunes waste away, and specie is more scarce than ever; confidence is lost, and discouragement becomes general; the planter's cries of distress are heard on every side; the precious name of subject of France is in an eclipse, and the fatal decree concerning the commerce of Louisiana gives to the colony the last fatal stroke, which must lead to its total annihilation. The Spanish flag is set up at the Balize, at the Illinois, and other places; no title, no letters patent were presented to the Superior Council; time flies apace; the delays fixed for the liberty of emigration will soon expire; force will tyrannize. We shall be reduced to live in slavery and loaded with chains, or precipitately to forsake establishments handed down from the grandfather to the grandson. All the planters merchants, and other inhabitants of Louisiana call upon you to restore to them their sovereign lord, the king, Louis the well-beloved; they tender to you their treasures and their blood, Frenchmen to live and Frenchmen to die.

"Let us proceed to sum up the charges, grievances and imputations:

"Mr. Ulloa has caused councilors, named by himself, to take cognizance of facts concerning French subjects, which appertained only to the jurisdiction of the Superior Council. The sentences of that new tribunal have been signified to, and put in execution against, Messrs. Cadis and Leblanc. Mr. Ulloa has supported the negroes, dissatisfied with their masters. He has presented to the Superior Council none of his titles, powers and provisions, as commissioner of his Catholic majesty; he has not exhibited his copy of the act of cession, in order to have it registered; he has, without the said indispensable formalities, set up the Spanish flag at the Balize, at the Illinois, and at other places; he has without legal authority, vexed, punished and oppressed subjects of France; he has even confined some of them in the frigate of his Catholic majesty; has, by

that the act of taking possession should not be attempted till the French king had answered the representations of the inhabitants, whose deputies were named to bear them. Ulloa in fact left the colony. This frigate did not leave till five

his authority alone, usurped the fourth part of the common of the inhabitants of the town, has appropriated it to himself, and has caused it to be fenced in, that his horses might graze there.

“ Having maturely weighed all this, I require in behalf of the king :

“ That the sentences pronounced by the councilors nominated for the purpose, and put in execution against Messrs. Cadis and Leblanc, subjects of France, be declared encroachments upon the authority of our sovereign lord, the king, and destructive of the respect due to his supreme justice, seated in the Superior Council, inasmuch as they violate the laws, forms and customs of the colony, confirmed and guarantied by the solemn act of cession.

“ That Mr. Ulloa be declared to have violated our laws, forms and customs, and the orders of his Catholic majesty, in relation to the act of cession, as it appears by his letter, dated from Havana, on the 10th of July, 1765.

“ That he be declared usurper of illegal authority, by causing subjects of France to be punished and oppressed, without having previously complied with the laws, forms and customs, in having his powers, titles and provisions registered by the Superior Council, with the copy of the act of cession.

“ That Mr. Ulloa, commissioner of his Catholic majesty, be enjoined to leave the colony in the frigate in which he came, without delay, to avoid accidents or new clamors, and to go and give an account to his Catholic majesty ; and, with regard to the different posts established by the said Mr. Ulloa, that he be desired to leave in writing such orders as he shall think necessary ; that he be declared responsible for all the events which he might have foreseen ; and that Messrs. Aubry and Foucault be requested, and even summoned, in the name of our sovereign lord, the king, to govern and administer the colony as heretofore.

“ That no ship sailing from this colony shall be dispatched without passports signed by Mr. Foucault, as intendant commissary of his most Christian majesty.

“ That the taking possession of the colony can neither be proposed nor attempted by any means, without new orders from his most Christian majesty.

“ That Messrs. Loyola, Gayarre and Navarro be declared guaranties of their signature on the bonds which they have issued, if they do not produce the orders of his Catholic majesty, empowering them to issue said bonds and papers ; and that a sufficient time be granted to settle their accounts.

“ That the planters, merchants, and other inhabitants, be empowered to elect deputies to carry their petitions and supplications to our sovereign lord, the king.

“ That it be resolved and determined that the Superior Council shall make representations to our sovereign lord, the king ; that its decree, when ready to be issued, be read, set up, published and registered.

“ That collated copies thereof be sent to his grace the Duke of Praslin, with a

months after; the garrisons that he had stationed in the various forts along the river all fell back on that of New-Orleans. This was all done without the slightest insult to the Spanish flag, or the Spaniards who remained in the colony.

letter to the Superior Council, and likewise to all the posts of the colony, to be there read, set up, published and registered."

The report being heard of Messrs. Huchet de Kernion and Riot de Launay, councilors and commissioners appointed for this purpose, the whole being duly weighed, and the subject deliberated upon, the attorney-general having been heard and having retired :

The council, composed of thirteen members, of which six were named *ad hoc*, having each of them given his opinion in writing, pronouncing upon the said representations, has declared and declares the sentences rendered by the councilors nominated by Mr. Ulloa, and carried into execution against Messrs. Cadis and Leblanc, subjects of France, to be encroachments upon the authority of our sovereign lord, the king, and destructive of the respect due to his supreme justice, vested in his Superior Council; has declared, and declares him a usurper of illegal authority, in causing subjects of France to be punished and oppressed, without having previously complied with the laws and forms, having neither produced his powers, titles and provisions, nor caused them to be registered, and that to the prejudice of the privileges insured to them by the said act of cession; and, to prevent any violence of the populace, and avoid any dangerous tumult, the council, with its usual prudence, finds itself obliged to enjoin, as in fact it enjoins, Mr. Ulloa to quit the colony, allowing him only the space of three days, either in the frigate of his Catholic majesty in which he came, or in whatever vessel he may think proper, and go and give an account of his conduct to his Catholic majesty. It has likewise ordained, and it ordains that, with regard to the posts established by him at the upper part of the river, he shall leave such orders as he judges expedient, making him at the same time responsible for all the events which he might have foreseen. It has requested, and requests Messrs. Aubry and Foucault, and even summoned them in the name of our sovereign lord, the king, to command and govern the colony as they did heretofore. At the same time, it expressly forbids all those who fit out vessels, and all captains of ships, to dispatch any vessel with any other passport than that of Mr. Foucault, who is to do the office of intendant commissary; it has also ordered, and orders, that the taking possession for his Catholic majesty can neither be proposed nor attempted by any means, without new orders from his most Christian majesty; that, in consequence, Mr. Ulloa, shall embark in the space of three days in whatever ship he shall think proper.

With regard to what relates to Messrs. Loyola, Gayarré and Navarro,* the council has decreed that they may stay in the colony and discharge their respective functions until they have received new orders from his Catholic majesty, and shall

* Officers of the crown who accompanied the expedition of O'Reilly.

From their own lips, the Spanish court should have taken evidence of the moderation of the colonists in so critical a moment. The unanimous report of all strangers there makes it out to have been a most extraordinary and surprising event for the order, decency and moderation to which all spontaneously contributed. These testimonials of attachment to the king of France were the only clamors that disturbed silence and tranquillity during the three days that the inhabitants were assembled at New-Orleans. Immediately after Ulloa's departure peace and tranquillity reigned. Aubry met with the most marked obedience from the colonists, who awaited news from France, in the fond hope that there would be no change of rule.

remain sureties of their signatures for the bonds they have issued, except they produce the orders of his Catholic majesty. It has likewise authorized, and authorizes the planters and merchants to choose whatever persons they think proper, to take up their petition to our sovereign lord, the king, and has decreed that the Superior Council shall in like manner make representations to our sovereign lord, the king; it orders that the present decree shall be read, printed, set up, published and registered in all places and posts of this colony, and that a copy of it shall be sent to his grace the Duke of Praslin, Minister of the Marine Department.

We order all our bailiffs and sergeants to perform all the acts and ceremonies requisite for carrying the present decree into execution; we, at the same time, empower them to do so. We also enjoin the substitute of the king's attorney-general to superintend its execution, and to apprise the court of it in due time.

Given at the Council Chamber, on the 29th of October, 1768.

By the Council,

GARIC,

Principal Secretary.

I protest against the decree of the council which dismisses Don Antonio de Ulloa from this colony. Their most Christian and Catholic majesties will be offended at the treatment inflicted on a person of his character; and, notwithstanding the small force which I have at my disposal, I would, with all my might, oppose his departure, were I not apprehensive of endangering his life, as well as the lives of all the Spaniards in this country.

Deliberated at the Council Chamber, this 29th of October, 1768.

(Signed) AUBRY.

THIRD PART.

SECTION II.

FROM THE DEPARTURE OF DON ANTONIA ULLOA TO THE YEAR 1771.

DEPUTIES* had been named to bear to the King of France the testimonials of the attachment of his faithful subjects in Louisiana, who asked only to live and die as Frenchmen; but these deputies could not reach Europe before the end of March. Ulloa had arrived there six weeks before, and had represented his own conduct and that of the inhabitants in such colors as he chose, and the Sovereign Hand which directs all events did not permit the truth to penetrate first to the courts of Madrid and Versailles.

The act passed between Aubry and Ulloa, of which it is needless to show the informality, had apparently enabled Ulloa to

* The deputies, St. Lette and Lesassier, presented the following petition to the Duke de Choiseul, minister of the king, on their arrival in Paris:

PETITION OF THE COLONISTS AND MERCHANTS TO THE KING.

SIRE,—It has pleased your majesty to cede, by a particular act signed at Fontainebleau, 3d of November, 1762, all your country known by the name of Louisiana, together with New-Orleans and the island on which this city is situated, to his Catholic majesty.

A feeble motive of consolation stifled our grief—it was the hope of a protection and good-will, like that experienced under your happy sway, and such as your sacred promise, in your majesty's letter to Monsieur d'Abadie, of April 21, 1764, leads us to expect. Our affectionate obedience silenced our regret till an unknown and strange vexation has wrung from us cries too long withheld. An officer, (*Don Antonio de Ulloa*), who, without justifying his titles, pretends to orders from his Catholic majesty, has presented us new laws, destructive of our commerce, abrogating our privileges, and attacking our liberties. Our goods, in less than the thirty months of his stay here, lost two-thirds of their value; cultivation became useless, and our efforts in every branch, hampered by multiplied

represent the inhabitants of Louisiana as criminal to the Spanish king. France, on the other hand, regarding the cession as long since consummated, would scarcely listen to the deputies; and the answer made to their representations was, that nothing could be done in the matter, as it was altogether in the hands of Spain. Yet, when it was proved to the court of Versailles that the government of Aubry had not ceased in Louisiana, and that since the peace all had been conducted in the name of the French king; when they saw the details of Ulloa's conduct and that of the French governor and inhabitants, all were indignant against the Spaniards and filled with contempt for the French governor, and they wept with joy to see in the Louisianians the patriotism which all discovered in their hearts. All admired the wise, firm, moderate and reflective conduct of the colonists, and all France looked with anxiety on the result. The French ministry felt that they could not without injustice

efforts (restrictions?), became a fruitless toil. We have had recourse to the magistrates appointed by your majesty to assemble the people under your august laws; we have exposed to them the excessive evils accrued, our zeal, our love for our natural sovereign, and his promises announced in his letter, registered, as he directed, in our *state office, to have recourse to in need*. They have enjoined the envoy of his Catholic majesty to depart in three days, and have authorized us to come to the foot of the throne, sire, to implore your clemency, claim your protection, and present our petition.

The execution of the treaty of cession has not even begun on our part. The French flag alone has hitherto appeared on our square, and at the head of our militia. The French flag alone has been hoisted on our shipping. Justice is exercised, sire, in your name alone, and our churches echo with prayers for your august person only. We are Frenchmen still, and too happy to transmit the name to our children; it is a choice title, which we deem a part of our inheritance.

Deign, sire, to have an account rendered to you of the details set forth in our memoir, which contains only facts and wishes of universal notoriety, and is addressed to the world.

Deign to take back under your beloved sway your colony of Louisiana, and dispose at your will of the blood, property and families of your faithful subjects, merchants and colonists of said province, who, by the voice of their deputies, make you sincere offers of the most ardent zeal, respectful submission and inviolate attachment.

abandon subjects whose only crime, in the eyes of the Spaniards, was their too great attachment to a king who so well deserved the title of well-beloved. They intended to write to Spain, but it was too late; the delay had been too great; the blow was struck. The council at Madrid had not unreasonably feared that France might discover the mendacity of Ulloa's report* and demand justice. No expedition accordingly was ever got up with greater celerity in Spain. Orders were already given. O'Reilly, lieutenant-general, was already cleared for Havana, with orders to proceed to Louisiana and take possession in the name of the Spanish king.

We approach the dreadful moment that is to decide forever the fate of the colony. Before casting our eyes on the scenes of horror I have yet to trace, let us go to Louisiana and see how the inhabitants were employed after Ulloa's departure.

Along the river I admire the happy fruits of liberty and contentment; all redoubled their efforts; the plantations are in the finest state; the revenues will be greater than they were in times of torpidity caused by Ulloa's stay. Everywhere joy and peace reign undisturbed; the hope of being Frenchmen inspires all, and the government which the inhabitants enjoy gives new life to all the colony. What is that building which I behold rising in the midst of the city? It is the temple of the Lord; it is a tribute of thanksgiving offered by

* Ulloa's report contains about 300 manuscript pages. It is very full and well drawn up. It gives an account of his expulsion, and clearly shows that Aubry was, in the whole matter, the principal informer against the patriots; that Lafrenière, Foucault, Noyan, Marquis, Villeré and others, had planned the revolution; that it was not so much for the purpose of getting rid of the Spanish governor, as to declare the province independent; that, for that purpose, Noyan and Massan were deputed to the English governor of Florida, for the purpose of securing protection of the British government; that the governor having refused his aid, the address to France was resorted to as the means of concealing their plan. This document is full of interest, and its particulars are fully corroborated by the letters of Aubry to the French minister.—*Archives of France*.

the colony to Him who directs events. They will soon chant his praises there—it will soon echo with the prayers of each citizen for his king. Further on, I see another building; curiosity leads me to it. On its portal is this beautiful inscription:

“Asylum for the Poor and the Orphan.”

Within I see beds for the sick, rooms for the lying-in, nurses for orphans, and paupers to be supported. All is in complete order. The rooms are so arranged that help is given to each in season, without noise or confusion. I ask to whom we owe this establishment, and the foundation of the church which I see rising. “To the patriotism of the citizens,” is the answer, “and to their respect for the Deity, to our mutual love, to the pity inspired by the unfortunate, but of which we had but a faint idea previous to Ulloa’s coming.” A unanimous impulse has founded these; the general voice proposed them; each gave according to his means, without tax or impost. One gave the wood necessary for the framework; another, building materials; one, beds; and then, furniture. All strove in emulation, and have thus provided the funds necessary for the expense incurred in this hospital.

“O virtue!” I cried, full of enthusiasm; “O divine patriotism! of what are we not capable, when inflamed by thy sacred fire! Among what men am I transported! O you, whom I see ready to condemn them as seditious rebels, judge whether such actions would take place amid the tumult of a revolt; and whether hearts, crushed under the weight of remorse which follows the intoxication of sedition, would be capable of sentiments so pure, so indicative of the tranquillity of soul and conscience! O happy monarch that reigns over the French! how worthy are such subjects of thy support! What happiness do they not deserve to enjoy! Their lot should ever be to see

ever flourishing under thy sway the sentiments of religion, humanity, charity and generosity, which I see displayed at a moment when their will has no guide but their heart, and no check but the desire of proving to the whole world their attachment to thee! These feelings are upheld by the hope of living under thy happy laws, and seeing their children enjoy this happiness with them."

But whence comes this general murmur throughout the city? They whisper, they dare not raise their voice, they come and go without knowing what they do. Pallor sits on every face, and tears soon begin to flow. Sobs stifle cries of grief. I share in the general fright. I ask the cause of this public alarm, of the frightful evil with which each seems overpowered.

"We are lost," says a citizen to me; "our king abandons us; the Spaniards are at the Balize, and are coming to take possession of the colony."

This news was the less credible, as letters which arrived on the 19th of July in that year left the colony some hope of not passing under the Spanish sway, and it was now only the 25th. The news was but too soon confirmed. A Spanish officer,* dispatched by O'Reilly, brought Aubry a letter, by which that commander announced that he came in the name of the king,

* This officer was Don Francisco Bouligny, a gentleman of noble birth. He was born in Alicante, Spain, on the 5th of March, 1735, and entered the army as a cadet at the age of eighteen. In 1762 he went to Havana with his regiment, where he remained until he was ordered to join the expedition to Louisiana. On the 24th of July, the fleet arrived at the mouth of the Mississippi. On the next day he was dispatched by O'Reilly to New-Orleans with a letter to M. Aubry, announcing his arrival to take possession of the province. On the 26th, he returned to the Balize, and in a few days after he was ordered to repair again to the city to prepare quarters for the Spanish troops of the expedition. After the departure of O'Reilly for Spain, Col. Bouligny remained in New-Orleans at the head of his regiment, until he was ordered to join the expedition of Galvez, which took Mobile and Pensacola in 1780-'1. For his daring exploits in this campaign

his master, to take possession of the colony, to reduce it to submission in case of opposition, but to load it with benefits, if he was received as he was entitled to expect. This letter was accompanied by orders from the king of France to Aubry to surrender the colony to the Spaniards.

Aubry, who knew the intention of the colonists to refuse absolutely the Spanish rule, and to prevent their entering the river, without positive orders from the French king, immediately published those he had received. He had also precautions to take against an emigration on which the colonists seemed bent. He accordingly convoked a general assembly; read O'Reilly's letter, with its promise of favorable treatment, if they did not oppose his taking possession, but also his threats in case of refusal. These threats produced an effect contrary to what Aubry expected, so unfit were they to intimidate the people of Louisiana. Besides, all knew that two hundred resolute men could have prevented O'Reilly's reaching New-Orleans, although that Spanish general had three thousand men, regulars and militia, in twenty-five transports. To feel convinced of this, it is enough to have some idea of the country. It is easy then to judge of the effects of O'Reilly's threats. They roused the resolute to action; white cockades were worn; all were ready to march against the enemy, when M. de la Frenière,* attorney-general, a member of the Superior

he was promoted to the rank of brigadier-general. He died in New-Orleans on the 25th of November, 1800, and was buried with military honors in the Cathedral of that city. His name is among the most honored in Louisiana.

In person, Colonel Boulogny was rather tall and slight, with a noble military bearing, easy and dignified in his manners, and warm in his friendship. So mild and conciliating were his actions, that obedience went hand and hand with his command; while his ardor and zeal for the service of his country seemed rather to seek the post of danger than to avoid it.

* Nicholas Chauvin de la Frenière, Attorney-General of Louisiana, was born in the same year, (1736,) which gave birth to the great American orator and statesman, Patrick Henry, of Virginia; and, like him, he was a friend to a

Council, an eloquent man, in whom they had the greatest confidence, arrested this tide by an address in substance as follows:

"Fellow-citizens! When you came to present to the council your just representations, which his majesty authorized in the act of cession, you saw me approve your patriotic zeal, and

republican form of government and liberal institutions. These two champions of liberty came upon the stage of action together, about the same time, and both were highly gifted for their eloquence.

The question of taxing America had just been agitated by the British parliament, and had created a great deal of excitement in the North American colonies, when Lafrenière came into office. The stamp act was passed in January, 1765, and the spirit of resistance to this arbitrary measure flew from Maine to Georgia, and found a response in the bosoms of the patriots of Louisiana. The question with them was not, however, whether the colony of Louisiana should be taxed, but whether Frenchmen could be transmuted into Spaniards without their consent, and ruled with military despotism. In the discussion of this vital question to their happiness and political well-being, the attorney-general took sides with the people, and resisted the Spanish occupation of the country. From this moment he was looked upon by them as the great champion of liberty; and his conduct throughout the struggle for independence was firm and undaunted.

Early in the year 1765, a general meeting of inhabitants and planters was convened in the city of New-Orleans for the purpose of discussing the subject of their distracted condition, and sending to the throne of France their united appeal for royal interposition in their behalf.

Lafrenière made on this occasion an eloquent speech on the situation of the colony, and offered a resolution to supplicate the king, which was unanimously adopted; and Jean Milhet, of New-Orleans, was selected to carry the petition to the foot of the throne.

The minister (De Choiseul) was averse to the petition, and artfully prevented him from having an interview with the king. Milhet returned to Louisiana, and reported the unsuccessful result of his mission. Still the colonists continued to flatter themselves with the hope that the treaty of cession would not be carried into execution, and Milhet was sent again to France with the same result.

Many of the colonists became desperate; and began to manifest their opposition to Ulloa, who still declined a public recognition of his authority as governor.

Public meetings were held in different parts of the province, and delegates were appointed to meet in convention in New-Orleans. This convention petitioned the Superior Council to direct Ulloa to leave the province. They denounced him a disturber of the public peace, and he was ordered to depart from the colony in three days' time. The speech delivered by Lafrenière on this occasion is a masterly piece of eloquence and logical argument. "In it there is

your demands were satisfied. . The common desire is, I am aware, the ratification of the articles of the act of cession, and the accomplishment of the orders of our well-beloved king; now his majesty orders the transfer of the colony to the Spaniards, and M. O'Reilly, who has come to take possession in the name of his Catholic majesty, makes you, on his behalf, the most

a passage," says Gayarré, "of which Louisiana may well be proud, and of which she can boast, as having been spoken by one of her most favored patriots."

"In proportion," said he, "to the extent both of commerce and population is the solidity of thrones; both are fed by liberty and competition, which are the nursing mothers of the state, of which the spirit of monopoly is the stepmother. *Without liberty there are but few virtues.* Despotism breeds pusillanimity, and deepens the abyss of vices. Man is considered as sinning before God only because he retains his free will."

To appreciate this bold language, it must be remembered that it was the outpourings of an attorney-general of an absolute king, and was intended to reach the ears of the despotic government of France. After the expulsion of Ulloa, the planters and merchants put forth a memorial in justification of the revolution of the 28th of October, and which, it is said, was drawn up by Lafrenière. It repeats in substance all that had been said by Lafrenière in his speech before the council; and, for reference, it is inserted in this volume, with the address to the king. With the Superior Council's address to the king, there went at the same time a letter from Foucault, the king's commissary, to the Duke de Praslin, in which he justified, in guarded language, the revolution that had taken place, in which he said of Ulloa: "Without taking possession of the colony, and even without exhibiting his credentials, he arrogated all power to himself. He was very harsh and absolute, refusing to listen to the representations of the colonists. He showed, without the least hesitation or equivocation, an implacable hatred for the French nation, and marked every day that he passed here with acts of inhumanity and despotism."

The news of the revolution in Louisiana soon reached Spain, and a cabinet council was called, to determine whether Spain should retain Louisiana or not. The council was composed of the Duke of Alba, Don Jaime Masones de Lima, Don Juan Gregoris Munian, Don Miguel de Muzqiz, the Count of Aranda, Barron de Arriaga, and the Marquis de Piedras Albas. The king requested that each should give his opinion in writing, and it is said only one of the ministers was of opinion that Louisiana should be returned to France. The king approved of the decision of the majority of the ministers, and he ordered force to be issued, if necessary, in taking possession of the province.

In the mean time the new deputies, St. Lette and Lesassier, who had been sent to France by the colonists to implore the crown, succeeded no better than their predecessors, and the revolutionary tide soon began to ebb, and leave stranded on

authenticated promises, if you receive him properly; and he threatens to use force, if opposed. I know that your courage prompts you to despise threats, and that his army would soon yield to your efforts. I see your patriotic hearts burn with a desire to display your courage in defence of your hearths; but against whom will you fight? Against the allies of your

the shore the patriots of Louisiana who had been borne onward by the excitement and momentary prospect of success.

Reduced to the last stage of despair, the patriots now proposed to expel Aubry, to proclaim New-Orleans a free port, and to form a republic; the chief to be styled "*Protector*," and to be assisted by a council of forty, elected by the people." "There is no doubt," says Gayarré, "that the colonists would have eagerly adopted this form of government if it had been possible at the time; for it must be recollected that, from the earliest existence of the colony, almost all its governors had uniformly complained of the republican spirit of the colonists."

Thus stood matters until the morning of the 24th of July, 1769, when the colonists were thrown into commotion by the arrival of the Spanish fleet at the Balize. Lafrenière called on Aubry, and informed him, that "having full confidence in the magnanimity of O'Reilly, he, Marquis, and Milhet, had resolved to go down the river and present their homages to the Spanish general, and to assure him, in the name of the people, of their submission." They were received in state on board his flag-ship. O'Reilly listened to their address with courtesy and attention, and returned a conciliatory reply. He promised that all former occurrences should be forgotten; that to all who proved themselves good citizens, and yielded a proper obedience to the Spanish authority, all former acts should be buried in oblivion, and all offences should be forgiven to those who returned to their duty. On the 18th of August the whole fleet reached the city, and in the presence of a large assemblage of citizens, and before the troops of both powers, the public ceremony of delivering up the province to the Spanish governor was performed. Although O'Reilly had promised to pardon all who submitted quietly to his authority, he had nevertheless resolved in his own mind to punish the chiefs of the revolution. Without loss of time he invited to his house, under different pretexts, nine of the leaders of the revolution, and had three others arrested in the town-hall.

After reading to them the orders of his Catholic majesty, he had them arrested in the name of the king, and put them upon their trial.

"It is impossible," says Gayarré, "to describe the terror which the arrest of these men and the death of Villeré scattered far and wide. They were so much identified with the whole population, their family connections so extensive, that the misfortune which had befallen them could not but produce a general desolation."

They pleaded against the jurisdiction of the court, and declined to be tried by

prince, and against a monarch who assures you of his good-will. And who, indeed, is there among you, who would expose his family to the sad sequel of the events of a war, when there is any other step left him to take? Desolate widows, orphans abandoned to public charity, families destroyed! Believe me, citizens! Let these evils touch and enlighten you. 'We will sink,' you cry, 'beneath the ruins of our country, nor bend to a yoke that exposes us to slavery.'

"Such are the words which animosity has a thousand times inspired. But what aroused it? The horror you had conceived at Ulloa's conduct.

the laws of Spain, which had not been extended over the province at the time of the alleged insurrection. They claimed to have been the subjects of the King of France, and their acts had been in accordance with their allegiance and duty to the King of France: they owed no allegiance to the King of Spain until Spanish authority had been proclaimed, and the Spanish flag and laws duly superseded those of France; that the acts charged could not constitute an offence against the Spanish laws, while those of France retained their empire over the province; that Ulloa had never made known his authority; that O'Reilly could not expect obedience from the people until he had made known to them his character and powers, and that no act was charged against them after this manifestation of his authority. The plea was sustained relative to several who had been officers under the French government, but was overruled in relation to Lafrenière and his compatriots. The court found them guilty, and sentenced them to be executed on the 25th of October, 1769. On the afternoon of that day they were marched into the yard fronting the barracks, and shot by a file of Spanish grenadiers.

Thus terminated the inhuman tragedy, which in one short moment consecrated the blood of the first martyrs to liberty on the continent of North America.

The martyrdom of Lafrenière was a serious blow to the cause of liberty in Louisiana. The welfare of his country was ever dear to him, and he was always ready to make any sacrifices for its happiness. He had ever manifested an attachment to a republican form of government, and had always supported those men and those measures which he believed most friendly to republican principles. His eloquence was rich and copious, lofty and dignified, and his mind was stored with the treasures of ancient and modern lore. As an orator and statesman, he was fitted for the management of the weightiest concerns; and as an advocate, he was profoundly versed in Roman, French, and Spanish law.

In his manners he was courteous and elegant, affable and warm, dignified and modest, uniting the attainments of a scholar with the deportment of a gentleman. As a patriot and legislator of tried integrity, he was the idol of his countrymen.

“But, here is a general officer, of whose reputation you are not ignorant, an Irishman by birth, who has attained the rank of lieutenant-general only by his services in the French armies; he solemnly promises you the good-will of his sovereign, if possession is given freely. Would you excite the anger of this monarch by conduct at variance with duty, reason and common sense?

“Another motive, too, should stifle all resentment. France has just beheld with emotion your patriotic efforts; all Europe, admiring your firmness, has beheld with surprise your wise, and moderate conduct; all eyes are now upon you. Will you, in a moment of excitement and impetuosity, tarnish the glory you have won? Hitherto they have beheld in you Frenchmen attached to their prince, burning with a desire to remain under his sway; even the Spaniard could not without injustice regard you otherwise. But now, when the king's orders require us to receive a new *régime*; now that the Spaniards are come to take authentic possession, and destroy, by a conduct far different from Ulloa's, the prejudices which you have conceived against the Spanish government, why oppose their entrance? When criminal in the eyes of the world, regarded as rebels and seditious men, all will, unmoved, behold the most frightful evils overwhelm you; and your ashes, which you would fain mingle with the land of France, will not be bedewed by the tears of the noble-hearted Frenchmen, whose sympathy you excite.

“Do not, fellow-citizens, belie the favorable opinion conceived of your moderation. Let all France, seeing us obey the orders of our king, cry out in transports,—‘Distance does not change a Frenchman's heart; the immense space of ocean cannot weaken the attachment they have for the king, and the respect they owe his orders.’ State interest requires us to be Spaniards. To lose the honorable title of Frenchmen, to re-

nounce our native land, is a sacrifice which France now requires of us, and for which noble hearts will applaud us. We may anticipate all from a beneficent prince, of the same blood as our own king; let us listen to the promises of his representative, and endeavor to deserve their execution by a submissive and respectful conduct."

Here, Lafrenière ceased to speak. The deepest silence prevailed while he spoke, but soon a general murmur arose amid the assembly. Such as a storm brings on, opposing minds produce—a sullen noise that leaves the traveler in doubt as to the future. Thus varied opinions produced a hum in the assembly, in which it was impossible to say what advice would prevail. The majority, however, convinced by reason and the words of Lafrenière, pronounced with that fire and persuasive air which graced every syllable, leaned to moderation. Then the attorney-general resumed, and soon he alone was heard.

"My noble fellow-citizens! I see with the greatest satisfaction the effect produced on your hearts by the representations which my love for you has dictated, and my zeal for your interests inspired. The same sentiments animate and enlighten me; hear what they inspire. One single difficulty keeps some in suspense; they fear the anger of the Spanish king for the expulsion of Ulloa, and behold in O'Reilly the instrument not of his goodness, but of his vengeance.

"Away with such a fear! The general's word should dispel this; and, were it well founded, we cannot appease him by meeting him in arms. On the contrary, let us show him all the submission and respect we owe his master. Do not wait for him to come and receive the solemn oath; let us bear it to him; let us depute some one of our citizens, and let O'Reilly

judge what Ulloa would have met, had his conduct been conformable to justice, reason and duty.

"I offer to go alone and bear your homage and your oath. If Spanish vengeance has marked out any head, it is mine. I first raised my voice against an unjust and usurping man. I will go and offer the Spaniards this head, whose sacrifice will cost me little, especially if at that price I can procure the happiness and tranquillity of my fellow-citizens."

This address, where patriotism was upheld by enthusiasm, made, as we may expect, a deep impression. All hastened to show Lafrenière the public gratitude, and every one wished to meet the danger, if any, and share it with him.

His friends wished to divert him from an apparently rash step. The Spaniards, they knew, undoubtedly considered Lafrenière as the cause of Ulloa's expulsion; if their anger continued, could they pardon him? The representations of his friends, the tears of his wife, nothing could retain him. All felt the risk he ran, but in spite of that they had a kind of confidence in O'Reilly's promises.

Let us here draw Lafrenière's portrait. The part he has played in the course of these events will give more interest to what I have to say of this extraordinary man. I shall describe him from the accounts of his countrymen.

M. Lafrenière, of Canadian origin, was born in Louisiana, and son of a councilor in the Supreme Council. He had been educated in France, where he followed his father's profession. Returning to Louisiana he was employed in the council, and rose to the rank of attorney-general, at an age when most men are commencing the profession he had embraced. In this position he assumed a prominent part in colonial affairs. He possessed a lively imagination, and all the ardor and intrepidity which lead to great deeds.

Speaking with that assurance which a manly and nervous eloquence inspires, and which commands all hearts, he combined with this advantage a noble figure, a majestic port, an open countenance and an elevated stature. To paint a warrior, you might have taken the towering form, the manly bearing, the fiery eye, the dark and masculine complexion of Lafrenière for a model.

To these exterior advantages he joined a great fund of generosity and sensibility; he was charitable, liberal to prodigality, a zealous patriot, ostentatious, giving dignity to all he did, popular, affable and good. He owed all these qualities to nature, but not his faults. He would have been the wonder of his age, if the vivacity of his character and the fire of his imagination had been tempered at an age when it is so necessary to check them. He would, perhaps, have been the admiration of Europe, if his superior talents had been better directed, and an immoderate self-love not tarnished their lustre. To this defect, perhaps, so hardly pardoned, Lafrenière owed the host of enemies whom we shall see rushing on him; perhaps, too, it is part of the fatality incident to merit, to be always the object of jealousy and criticism. Yet, it is conceded that most of those who deposed against this great man, had been loaded by him with favors, and owed him life and property.

But let us return to the deputation of the colonists.* Lafrenière, in spite of all that could be said to him, went to meet O'Reilly, accompanied by a planter and a merchant. The general received them with marks of the greatest good-will; he seemed flattered by the step, and in their presence repeated the promises made to Aubry. He prayed those gentlemen to assure the colonists of his desire to contribute to their happiness and repose. Bidding adieu to Lafrenière, as the latter

* This deputation consisted of Lafrenière, Marquis and Milhet.

took his leave, he said: "Your conduct has been misrepresented at Madrid, but at a distance objects take a different form from what they really have. I see that you have done your duty; rest assured that nothing will happen to you. I wished to be your friend." And so saying, he grasped his hand.

The deputies scarcely knew how to reply to such warm greetings, so astonished and delighted were they. They hastened back to reassure their families, who had meanwhile been in the greatest alarm. The account of their reception by the general was the subject of public admiration, and the city soon echoed with praises of O'Reilly; and his conduct to the planters, during three weeks which he spent in the river, increased the esteem of all for him.

Some sensible men, however, saw through this deceptive exterior. They felt that his politeness to Lafrenière was only a lure to draw into his nets the men on whom Spanish anger was to fall, for no one believed that Lafrenière would fall alone. They did not believe that, merely to take possession of the province of Louisiana, Spain would have sent a lieutenant-general and 3,000 men. All this preparation denoted something less pacific than was pretended. "O'Reilly," said they, "is too politic to arrest Lafrenière before establishing his authority; that would be revealing his design. He wishes victims at any price, and then the others would have escaped; for that act of severity would have exposed him to the risk of seeing all the colonists take refuge on English soil."

These reflections struck some. In vain they tried to convince Lafrenière that O'Reilly's favorable reception was but a dangerous snare. They reminded him of all that they had suffered from Ulloa. A hundred historical incidents were cited confirming the truth of the character imputed to the

Spaniards. They cited him examples where promises in the name of their kings had not held good against their resentment, and where on all occasions an alluring exterior had prepared the vengeance they premeditated. But they never could make the colonists believe that duplicity and knavery could be carried to that point, and the words "M. de la Frenière—my friend,"—rose to his mind whenever they tried to open his eyes; they showed him the horrors to which he exposed his family, already branded by the Spaniards for its hostility to Ulloa's unjust plans. In vain his relatives urged him to pass over to the English territory, as O'Reilly's stay in the river gave every opportunity for emigration, but nothing could shake the constant firmness of the attorney-general. He would have deemed it a dishonor to save his life by flight, especially as his conduct furnished nothing to create the danger with which they wished to alarm him. General O'Reilly's promises made the colonists feel secure. At least it stopped the emigration of many, who, though conscious of innocence, felt nevertheless that the most prudent course was to avoid the resentment of a nation which deemed itself offended and never could pardon. But, in spite of that, a certain homage rendered to the human heart by virtuous souls banished the idea of so atrocious and infamous a piece of knavery as that which we shall see tarnishing the name of O'Reilly.

On the 17th of August, 1769, O'Reilly* appeared before New-

* DON ALEXANDER O'REILLY, the first Spanish Governor of Louisiana, was born in Ireland, about the year 1735. He entered the Spanish army at an early age, and served with distinction in Italy, where he received a wound which lamed him for the remainder of his life.

In 1755, he obtained permission from the king to enter the Austrian army, and made two campaigns against the Prussians. In seventeen hundred and fifty-nine he volunteered in the army of France, in which he distinguished himself, and was warmly recommended by the Duke de Broglie to the King of Spain, who

Orleans with his whole fleet; his intention was to enter it as a conquered city, with drums beating, and matches lighted; but, on Aubry's representation, he consented to act more considerately. When Aubry spoke of Ulloa's expulsion, O'Reilly cut him short, saying: "The sponge has passed over that; all is forgotten; let us speak no more of it." In the first moments he constantly affected to use similar language. The next day, the 18th, possession was taken with all the usual pomp and

promoted him to the rank of lieutenant-colonel, and as such he served with distinction in the war between Spain and Portugal. He was afterwards promoted to the rank of brigadier-general, and on the conclusion of the peace of seventeen hundred and sixty-two, he was raised to the rank of major-general, in which capacity he was sent to Havana to rebuild the fortifications of that city which had been destroyed by the English.

After the expulsion of Ulloa from Louisiana, the king, apprehending much resistance from the colonists, prepared a formidable expedition against that province, and gave the command of it to O'Reilly, whom he appointed governor and captain-general of the province.

He arrived at the mouth of the Mississippi with his fleet on the 24th of July, 1769. On the same day he dispatched his aid to Aubry, the French governor, to announce his arrival, and notify him that he was duly authorized to receive formal possession of Louisiana. At the same time he expressed a desire to maintain a good understanding between the authorities of Spain and the colonists, but that he should put down all opposition and extend the jurisdiction of his sovereign over the province.

On the 27th, the citizens of New-Orleans sent delegates to O'Reilly to implore his clemency, and on the next day they returned to the city with assurances from the governor that he should be disposed to be lenient.

On the 17th of August the Spanish armament reached the city, and on the 18th Aubry surrendered the province to O'Reilly. The governor entered upon the duties of his office with every outward respect for all classes of citizens. But, although he promised pardon to all who quietly submitted, he had resolved in his mind to punish the principal agitators of the late revolution. This determination was artfully concealed until he had procured from Aubry a full report of that event, with the names of the principal actors.

"It is very essential," said O'Reilly, "that I should know who is the person who wrote and circulated the documents entitled, '*Decree of the Council*,' and a '*Memorial of the Inhabitants of Louisiana on the event of the 29th of October, 1769*,' because all the articles of said documents claim my special attention. I shall put entire faith in your revelations, and I again beg you not to omit any circumstance relative to men and things in what concerns said revolution." On receiving Aubry's communication he immediately made up his mind how to act.

ceremony, and at the same instant Aubry, by virtue of his powers from the French king, absolved the colonists from their oath of allegiance to him. During the week and the following one, O'Reilly received the free oath of all who chose to become Spaniards.

Hitherto nothing had shown the knavish plots ascribed to O'Reilly. Could he arrest and punish men whose innocence he proclaimed every time he received an oath of allegiance?

On the next day, the 21st, he communicated to Aubry the orders of his Catholic majesty to arrest and bring to trial, in accordance with the laws of Spain, the chiefs of the revolution. Under various pretexts, O'Reilly drew to his house nine of the chiefs which had been named by Aubry in his dispatch, and had three others arrested in the city-hall. After reading to them the orders of his Catholic majesty, he had them arrested in the king's name, and put them upon their trial for high treason.

On the 23d, he issued a proclamation inviting the colonists to appear before him on the 26th, to take the oath of allegiance to his Catholic majesty.

The victims of his cruelty enjoyed but a short respite between conviction and the execution of their sentence. O'Reilly remained inexorable to the earnest entreaties of the inhabitants, to suspend the sentence of death until the royal clemency could be implored.

He now proceeded to abolish the laws of France, and substitute those of Spain. On the 21st of November, he issued his proclamation for the abolition of the Superior Council, which he alleged had been deeply implicated in the former treasonable movements against Spanish authority.

In place of the Superior Council he established the Cabildo, which was a high court and a legislative council, at which the governor presided. In its judicial capacity, it exercised only appellate jurisdiction, in appeals carried up from the Alcalde courts.

He ordered a set of instructions to be prepared for the regulation and proceedings in civil and criminal cases, to be conducted in the courts agreeably to the laws and usages of Castile and the Indies. A commandant, with the rank of captain, was appointed for each parish, with authority to exercise a mixed, civil and military jurisdiction.

The Spanish language was henceforth made the tongue in which the judicial records throughout the province were kept and the proceedings conducted. *The Spanish authority and laws were now substituted for the French laws and customs.* The black code (*code noir*) which had been previously in use in the colony, was modified and reenacted, for the protection and government of the slaves. Foreigners were prohibited from passing through the province without passports from the governor, and the colonists were prevented from trading with

These reflections increased the feeling of security in those who were warned of prisons and punishment. Yet, on the 21st of August, O'Reilly arrested, as state prisoners, de la Frenière, the attorney-general; De Mazan, a captain in the French service, a knight of St. Louis, of a very ancient provincial house; Le Marquis, also a knight of St. Louis, commanding the troops of the Swiss regiment of Aleve; Hardy de Boisblanc, a councilor; Caresse; the two Milhets, father and son; Poupet, the elder, and Petit, merchants; Braud,* the king's printer; Doucet, a lawyer,

the American colonies. Many of the local regulations and ordinances were particularly oppressive. The colonists were at first permitted to emigrate, and many availed themselves of this privilege. O'Reilly finding, however, that the province was losing many of its valuable citizens, he annulled this privilege, and refused to issue any more passports. The province was soon, however, relieved from further anxiety of O'Reilly's vengeance, and at the end of a year he was superseded by Don Antonio Maria Bucarely, as Captain-General of Louisiana.

O'Reilly now returned to Spain. Although he excited jealousies and antipathies by the course he adopted while in Louisiana, yet within a few years documents have come to light which go to prove not only his original powers, but the approbation of the Court of Spain of all his proceedings. (See Appendix.) It appears by these the king ordered him to proceed to Louisiana, take formal possession, chastise the ringleaders, and annex the province to his dominions. He proceeds to ratify and confirm all that had been done by O'Reilly, and that as relates to the administration of justice, a special tribunal was to be created, to which all appeals were to go, and from it to the council at Seville. O'Reilly made a detailed report of his proceedings to his government, which has never been made public *in extenso*, but which was approved of by the council and chamber of the Indies, to whom it was referred.

In 1774, he was placed in command of the great expedition which was sent against Algiers. The unfortunate result of this expedition rather lowered him in the estimation of the Spanish nation, although the king remained true to him. He was afterwards appointed Governor of Cadiz, where he exhibited all the talents of a great administrator. He fell into disfavor on the death of Charles III. Subsequently he was appointed to the command of the army of the Pyrenees, and while on his way to join it, he died suddenly, at an advanced age. Some of his descendants now reside in Cuba. "O'Reilly," says Michaud, "had always been an object of malignant envy, and had many enemies, whom the flexibility of his temper, and the soft influence of his conciliating manners, could not reconcile to his advancement in a nation proverbially proud and suspicious of foreigners."

* Braud was arrested for having printed the *memorial* of the planters, &c., on the event of the 29th of October, 1768. He pleaded in justification, that as

and Villeré, captain in the militia. The last was on the point of passing to the English side with all his property, when a letter from Aubry enjoined him to repair to the capital to confer with O'Reilly, and pledged his honor that nothing should be done to him. Villeré hesitated, but on the word of honor of a French commander, his desire of displaying his obedience to the last triumphed over his well-founded conviction of the Spanish governor's knavery. He came to the city, was instantly arrested and led on board a frigate. "Traitors," he cried, "you durst not declare your odious projects. If you have the courage you parade so vauntingly, give me my liberty, let me choose two hundred of my countrymen, turn your three thousand on us, and if a single Spaniard escapes, call us infamous cowards; but you deceive yourselves if you hope to feast your cruel and savage eyes on the spectacle of my death—Villeré was not made to die on a scaffold." With these words he tried to break through the guard, but the officer stopped him and gave him a kick in the stomach, which stretched him senseless on the ground, while a soldier gave him a bayonet thrust in the thigh. He fell, foaming with rage and fury. In this frightful state he lay three days, and died in despair at being baffled in his revenge.

None could be braver than Villeré*. Canadian by origin, he had all, valor, fortitude and freedom of mind; violent and fiery, but frank, loyal and firm in his resolves. He was of good size, well made, his step firm, his look bold and martial, his devotion to his king rather a phrensy than a form of patriotism. Had all the colonists thought as he did; had they

king's printer, he was bound to print all that was sent to him by the king's commissary, and he showed Foucault's signature, at the bottom of the manuscript which he had published. This defence being admitted good, he was released.

* Some of the descendants of this brave man and distinguished patriot are now living in Louisiana, holding high official position.

had his firm resolve, I doubt whether a single Spaniard would ever have reached New-Orleans. He had a genius for war, and was the chief elect of the Acadians and Germans in case of a rupture, and under his orders that brave body would have been invincible. I regret to leave a man of his mould; French patriots must strew laurels over his grave. Let us return to the other prisoners; and, to judge O'Reilly better, let us see the means he took to arrest them.

He was aware of the influence possessed over the public by the men he intended to arrest; he feared that, by acting openly, he might excite an outbreak, and therefore to secure those whom he wished to arrest, he acted thus: On the evening of the 20th of August, he summoned the colonels of the two regiments that he had brought to his residence. "Sir," said he, to the colonel of the Lisbon regiment, "your grenadiers have a name for manœuvring well. I should like to test it; those of the other regiment will also arm, and to encourage them, you need only join the first four companies of each regiment. Let the rest remain in their quarters, ready to march when ordered; rendezvous here to-morrow morning at eleven." The next morning O'Reilly sent his aids-de-camp for those he wished to arrest, and as they entered made them sit down, speaking with the greatest affability, and left them under the impression that his design was to confer on the affairs of the colony. He amused them in this way till the grenadiers and other companies, with fixed bayonets, had surrounded the government house. He then called successively the gentlemen named above, sent them into an adjoining room, where their swords were demanded, and whence a guard accompanied them to the prison prepared for them.

M. le Marquis, on surrendering his sword, said to him: "I have, during my whole life, borne it in the French king's ser-

vice. I regret that I did not use it better. If it be a crime to be too good a Frenchman, I die guilty, for I die a Frenchman."

M. de la Frenière and M. de Mazan, who both held offices in the colony, were thrust into cells under the buildings occupied by the Spanish troops.* This apparently more distinguishing treatment was only an additional precaution of the general. The others were conveyed on board various ships, and all carefully watched.

Their property was confiscated, sentinels were placed in their houses, and their papers examined and seized. A Spanish guard was put over the Secretary, and a French one over M. Foucault's, the commissary. Aubry, at O'Reilly's request, took a false step; he did more. He went to Foucault's house and wished to interrogate him. "Have you any order from your king and mine, establishing you my judge?" said Foucault, "if not, I protest against your injustice, and will only account to the judges who shall be appointed to examine your conduct and mine. In consequence, sir, I demand a passage on the first vessel for France. One will sail to-morrow, and I shall, with your permission, embark." O'Reilly and Aubry durst not refuse. Foucault embarked the next day, and on reaching France was transferred to the Bastille, where he is still detained.†

* In pulling down this old building, which had for some years after served for a Spanish prison, cells, (under the ground,) were discovered, in one of which were found a quantity of human bones; the remains, probably, of unfortunate prisoners who had been left there to perish.

† M. Foucault, President of the Superior Council of Louisiana, succeeded M. de Rochemore, as *commissaire ordonnateur* of the province, in June, 1761. He acted with great duplicity towards the revolutionists. He took an active part himself against Ulloa, but in his official correspondence with the French cabinet he had so equivocated, as to be able when the time came to side with the victorious party. In order to justify himself for having convened the council

The number of victims was not completed ; one more was to be arrested. This victim was dear to the colony by the greatness of his family, by his birth, and by the signal services of his ancestors, to whom was due the discovery and settlement of Louisiana. This victim was still more precious by his personal merit. M. Noyan was the son of an old royal lieutenant of Louisiana, whose name is never uttered without respect and gratitude. M. de Bienville, governor and founder of New-Orleans, was his uncle, as was Iberville, an officer eminent in the navy for his talents, and in the colony for having brought over the first colony, and declared himself its protector and support. M. de Noyan was only thirty-two.* Nature seemed to have delighted in blending in this young man all exterior graces, as well as those qualities of mind and heart which attract esteem and love. He might have been considered a model of perfection, were not nature so chary of it. His countenance was noble, frank and becoming, his manners pleasing, his stature tall, his bearing manly, his voice sweet and captivating. He had, in a word, all the graces that a man can have. His mind was agreeable and just ; he had a general aptitude for all he undertook. His soul was a union of all the qualities that constitute an honest man ; he had also those which render a man dear and precious ; for to rectitude, which might if possible be called *ultra*, he joined great generosity and beneficence ; he

which expelled Ulloa, he wrote to his government, that " he had been compelled to yield only by force." " It must be admitted," says Gayarré, " that in the drama in which he was engaged he acted his part with a consistency of infamy, and a cool systematic regularity of treachery, which must obtain for him much credit with congenial minds." When he arrived in France he was thrown into prison, but afterwards released, and rewarded with an office in the East Indies.

His correspondence while in Louisiana is very voluminous, and covers a period of nine of the most eventful years in the history of that province.

* The defence of Noyan, Doucet, and Caresse may be found in the archives of the department, " *De la Marine et des Colonies*," Paris.

was compassionate, mild, affable, but at the same time full of courage, firmness and nobility. A good citizen, a good patriot, a good friend, a good father; reproached only with a too extreme delicacy; and for this only, because it proved his ruin. He had served in France, and was by leave captain of cavalry in Louisiana; this reason would seem to shield him from arrest. This is perhaps the reason why O'Reilly left him at liberty two days after the detention of the gentlemen of whom I have spoken. The whole colony unanimously entreated this young man to fly from Spanish wrath. De Noyan had married de la Frenière's daughter; his intimate connection with his father-in-law was notorious, and he was known to be one of those marked out for Spanish vengeance. In vain they employed all imaginable arguments to induce him to evade by flight. Full of confidence in his own innocence, he always opposed it as a buckler to the representations made him. When they reminded him that innocence was often sacrificed to so-called policy, he reminded them of his honor, which made his fate inseparable from his father-in-law's. When they showed him that, in safety, free to act and make his representations, he would be of real service to M. de la Frenière, he seemed to yield to this powerful argument; but his pledge to his father-in-law not to forsake him, soon prevented his following the prudent advice given him. O'Reilly had just published an amnesty,* by which he seemed to declare that the anger of his

O'REILLY'S PROCLAMATION.

* "In the name of the King, we, Alexander O'Reilly, commander of Benfayan, in the order of Alcantara, major and inspector-general of the armies of his Catholic majesty, captain-general and governor of the province of Louisiana, in virtue of the orders of his Catholic majesty and of the powers with which we are invested, declare to all the inhabitants of the province of Louisiana, that whatever just cause past events may have given his majesty to make them feel his indignation, yet his majesty's intention is to listen only to the inspirations of his royal clemency, because he is persuaded that the inhabitants of Louisiana

Catholic majesty would fall only on those arrested, and that this monarch would pardon the others. This amnesty probably induced the unfortunate resolution taken by De Noyan to face all, rather than debase himself by a flight which the Spaniards would have regarded as a confession of the crime laid to his charge. Death seemed to him less frightful than a breach of his word.

O'Reilly at last arrested De Noyan. His pretended regret, and the manner in which the arrest was made, prove at least the consideration to which he was entitled. He was conducted on board a Spanish frigate and treated with the greatest distinction.

Shall I paint the despair of the wretched wives of these gentlemen? Shall I dwell on the state to which Mme. de Noyan in particular was reduced? But sixteen and a half years' old, the most deep and tender affection had for the last eighteen months united her to the amiable man, whose portrait we have just drawn. Daughter of M. de la Frenière, niece of M. de Villeré, she wept at once the detention of husband, father and uncle, and shuddered every moment at the horrid forebodings that filled her soul. But the cruel O'Reilly incessantly reassured these ladies as to the lives of those they loved. He repeatedly sent to tell them to dismiss their fears, as the detention of the prisoners would not be long, and that they would soon see them free. Thus the tyrant flattered their fond hopes, to render the blow he was preparing more keen and penetrating.

would not have committed the offence of which they are guilty, if they had not been seduced by the intrigues of some ambitious, fanatic and evil-minded men, who had the temerity to make a criminal use of the ignorance and excessive credulity of their fellow-citizens. These men alone will answer for their crimes, and will be judged in accordance with the laws. So generous an act on the part of his majesty might be a pledge to him that his new subjects will endeavor every day of their lives, to deserve by their fidelity, zeal and obedience, the pardon and protection which he grants them from this moment."—*Gayarré*.

Shall I follow these gentlemen in their imprisonment? Shall I tell how M. de Mazan, seized with a terrible disorder, beheld his wife in vain implore permission to watch beside her husband? Nay, more: the son of that old soldier offered to remain in prison till his father's recovery. Nothing could move the cruel and barbarous general. Mazan spent his illness in prison.

A month or so after their arrest the examinations began.*

* It appears from a MS. copy of the *process verbal* of this trial before me, that O'Reilly based his prosecution of the leaders of this revolution upon a *statute of Alfonso XI.*, which is the first law of the seventh title of the first *partida*, which denounces the punishment of death and confiscation of property against those who excite any insurrection against the king or state, take up arms under any pretence of extending their liberty or rights, and against those who give them any assistance.

The prisoners pleaded against the jurisdiction of the court, which was overruled. They denied the facts with which they were arraigned; they contended if they did take part, they did so while the French flag was still waving over the province of Louisiana, and while yet French laws were still in force; that the facts set forth did not constitute an offence against the laws of Spain; that they were not bound to bear the yoke of two sovereigns; that O'Reilly could not command the obedience, nor respect of the colonists, until he had made known to them his powers, and that the King of Spain could not count upon their allegiance until he extended to them his protection.

This trial and the proclamation of O'Reilly, fixes, beyond a doubt, the period when Spanish law was substituted for French jurisprudence in Louisiana.

The powers of O'Reilly were unlimited, and extended to a total change of the laws, the fiscal and military condition of the country, and upon which the treaty of cession remained entirely silent; although the letter from the king to M. d'Abadie held out some delusive hopes that they might not be.

After the execution of the prisoners, O'Reilly caused to be published in French, an abridgment of Spanish law, with references to the books in which they are contained, which he promulgated for the government of the province until the Spanish language should be better understood, and the colonists better able to read the Spanish laws in their original idiom.

This publication, which is printed in the appendix to this volume, was followed by an uninterrupted observance of the Spanish code in all its parts. It is in evidence that O'Reilly's ordinances were never repealed. They were approved of in 1772 by the *Council of the Indies*, and to give greater force to what O'Reilly had done, they recommended that *cedules* be issued to that effect.

"Happily," says Judge Martin, "the Spanish laws and those of France pro-

During the interval O'Reilly had received the depositions of all who wished to speak. Animosity, resentment, jealousy, cupidity, ambition, terror and weakness, excited base and vile minds to dare to calumniate the worthiest of men. And what were the feelings of those generous patriots, when they beheld themselves falsely accused by their own countrymen,* by

ceeded from the same origin, the Roman code ; and, as there is a great similarity in their rights, testaments, successions, &c., the translation was hardly perceived by the mass of the inhabitants before it became complete, and very little inconvenience resulted from it." The Supreme Court of Louisiana have, on several occasions, substantially sustained this view of the question, upon which now no doubt should rest.

* Aubry is here particularly alluded to, for the supple and servile part he played throughout the whole of this period ; notwithstanding which, he was a brave and accomplished officer, and had served with distinction in Italy, before he came to Louisiana. In 1758 he was ordered by the commandant of Fort Chartres, Illinois, to ascend the Ohio, and relieve Fort Duquesne, which was then menaced by an English force under Major Grant. On the 14th of September he arrived at the fort, and after examining the position of the English, he sallied out the next day and attacked them with great bravery. After a hard-fought battle, they retreated in great disorder, and left three hundred men dead on the field. On hearing the defeat of Major Grant, General Forbes sent forward a detachment under the command of Col. Washington to support Grant. As he drew near the fort the French troops became disheartened, and Aubry ordered the fort to be set on fire, and by the light of it he sailed down the Ohio, and returned to Fort Chartres. Washington on the next day planted his banners on its ruins, and named it Fort Pitt.

In the following year Aubry was ordered with a strong force to Niagara, where he again attacked the English with great intrepidity, and while leading his men he fell covered with wounds. He was taken prisoner by the English. After his release he went to France for his health, and was rewarded for his bravery with the cross of St. Louis. On recovering from his wounds he returned to Louisiana, and on the 4th of February, 1765, he succeeded D'Abadie, (who had died very suddenly,) as Governor of Louisiana.

On the 5th of March, 1766, Ulloa arrived in Louisiana, but as there was no time fixed by the treaty of cession to deliver the province to Spain, he deferred from time to time to take possession until a stronger force should arrive from Spain. In the mean time the colonists became dissatisfied, and a revolution broke out, which finally led to his expulsion.

Aubry protested against the decree of the Superior Council, and immediately informed his government of all that had taken place. The merchants and planters published a memorial to justify the expulsion of Ulloa, which will be found published in this volume.

Frenchmen for the most part loaded with their favors? To crown their torture they needed but to know their accusers, and the Spaniards had the cruelty to name them.

It would be too long to dwell in detail on all the horrors called into being in those fearful moments. Why cannot I transmit to posterity the names of the wretches who had the

On the 24th of July, O'Reilly arrived at the Balize with three thousand troops, and on the same day he sent Bouligny, his aid, to announce his arrival to Aubry.

On the 18th of August, 1769, Aubry delivered up the province, and on the next day O'Reilly addressed a letter to Aubry, asking a statement of all that had transpired in the colony from the departure of Ulloa until his arrival, and the names of the chiefs of the revolution. On the 23d, he addressed Aubry another letter on the same subject, requesting him to furnish all the documents necessary to convict the chiefs.

On the 24th, Aubry addressed a letter to O'Reilly, giving him the information he required; and on the first of September he wrote the following dispatch to the French Minister:—

Monseigneur,—J'ai eu l'honneur de rendre compte à votre grandeur de la prise de possession de la Louisiane par M. le Général O'Reilly, et de toutes les circonstances qui ont accompagné ce mémorable événement.

Depuis ce temps M. le Général s'est occupé à prendre la connaissance la plus exacte de la cause de la révolte du vingt neuf d'Octobre, 1768, et des auteurs d'un attentat qui a mis cette colonie à deux d'oiets de sa perte. J'ai reçu une lettre de lui le, 19, d'août, dont est cy joint la traduction exacte par la quelle il me marque, qu'étant gouverneur de cette province pour sa majesté très Chretienne et present à tout ce qui s'y est passé, il desirait que je l'instruisisse des causes de la révolte et des noms de ceux qui ont séduit et excité le peuple à se présenter les armes à la main, et pour expulser par la violence M. Dn. Antonio de Ulloa, élu par sa majesté Catholique gouverneur de pays, et me prie également de lui marquer le nom des auteurs de tous les excès qu'on a après continué envers tous les officers et la troupe Espagnols.

J'ai l'honneur de vous adresser, Monseigneur la copie exacte de la réponse en date du 20, d'Aout que j'ai cru que le devoir de mon etat m'obligeait de faire à M. le Général, dans laquelle je lui, expose avec tout l'honneur et la vérité dont je suis capable toutes les connaissances que j'ai sur les causes de ce malheureux événement, et sur les principaux auteurs de tous les excès.

Le 21. à huit heures du matin, M. le Général me communiqua pour la première fois les ordres de S. Mté. pour faire arreter et juger selon les lois les chefs de cette conspiration, ce dont je n'avis aucune connaissance auparavant, Il les fit tous assembler chez lui sous differens prétextes, et en ma présence il leur dit:

“Messieurs, la nation Espagnole est respectée et vénéree par toute la terre. La

vileness to depose against their countrymen? But the public voice points them out, and their deed brands their name with infamy. Rapidly would I pass over the fearful picture I have yet to trace. I would fain—but I have resolved to be exact—Let us conclude these sad details.

On the 24th of October, 1769, the Spanish council, on hear-

Louisiane est donc le seul pays de l'univers ou on l'ignore, et ou on manque aux égards qui lui sont dus. S. Mté. Catholique est tres offensée de tous les écrits qu'on a imprimés et qui ontragent son gouvernement et la nation Espagnole, ainsi que de la violence et de l'attentat qui à été commis envers son gouverneur, ses officiers, et ses troupes. Elle m'ordonne de faire arreter, et juger selon les lois, les auteurs de tous ces excès, et de ces violences, après leurs avoir lû les ordres de S. Mté. a se sujet, M. le Général leur ajouta, Messieurs, vous êtes accusés d'être les chefs de cette révolte, je vous arrete au nom du Roi, je souhaite, que vous puissiez prouver votre innocence, et être a même de vous rendre bientôt les épées que je viens de vous oter. Vous produirez toutes vos défenses devant les juges équitables qui sont devant, ce seront eux qui instruiront votre procès, et qui vous jugeront, il ajouta, on à coutume en Espagne de Sequestrer les biens et les fortunes des prisonniers d'Etat, les vôtres le seront par conséquent, mai vous devez être certains que vous serez traités avec tour le soin possible dans l'endroit qui vous est destiné, et à l'égard de vos femmes et de vos enfans, soyez persuadé que je leur ferai donner tous les secours dont elles pourront avoir besoin."

Aussitot plusieurs officiers accompagnez d'un détachement de Grenadiers les ont conduits dans les endroits qui leur est destiné, savoir, au quartier et dans les Vaisseaux de S. Mté. Catholique.

J'ai l'honneur de vous adresser, Monseigneur, le nom du petit nombre de ceux que M. le Général à été obligé indispensablement de faire arreter cequi prouve sa générosité et sa bonté, y en ayant bien d'autres que leur conduite criminelle m'état dans le cas d'éprouver le me'me sort, et afin de tranquiliser les peuples, et les habitants qui étaient alarmés M. le Général a fait publier aussitot au nom du Roi un pardon général pour tout ce qui s'est passé, à l'exception de ceux qui ont séduit le peuple à commettre cet attentat les quels seront jugés selon les lois ; cette ordonnance affichée et publiée dans les quatre coins de la ville, au son des tambours et de différens instrumens, accompagnes de toutes les compagnies de Grenadiers, a produit un très bon effet, et causé une satisfaction générale.

Le 23, au matin, j'ai reçu une lettre de M. le Général dont j'ai l'honneur de vous envoyer la traduction exacte, par laquelle il me marque qu'on lui a remis l'original d'un papier qui a pour titre, mémoire des habitants et negocians sur l'évènement du 29 d'October, qui s'est trouvé chez l'imprimeur Braud, avec l'ordre signé de M. Faucault, faisant fonctions d'ordonnateur, pour qu'il soit imprimé, et qu'attendu que ce libelle est offensaut, au plus hant degré, a à l'autorité et au respect dû a sa majesté Catholique, et est diffamatoire à toute la nation Espag-

say calumnies refuted by the accused and by three-fourths of the colony, dared to pronounce on the gentlemen arrested the most sanguinary sentence. Let us pass for a moment over the inhumanity of this sentence to regard merely its irregularity.

First, if we believe the Spaniards themselves, they had no judges but O'Reilly and the Auditor. But let us not admit facts

nole, et que le crime de M. Faucault est plainement justifié par sa signature, il ne laisse aucun doute, qu'il n'ait été un des chef et principaux moteurs du soulèvement et excès commis contre Monsiur Don Antonio de Ulloa, et le gouvernement de S. Mté. Catholique, M. le Général me prie en conséquence de faire saisir avec la plus grande sureté et promptitude la personne de M. Foucault, afin que la justification faite de sa conduite très infidèle, et criminelle nous puissions l'un et l'autre en rendre compte a nos souverains respectifs avec la remise du me'me proces ; J'ai l'honneur de vous adresser, Monseigneur, la reponse que j'ai cru que le devoir de mon état, m'obligeait de faire à le Général ; quoi qu'avec bien de la douleur je n'ay pû me refuser à une aussi juste demante de sa part ; enconsequence j'ai ordonner à M. de Grandmaison cy-devant Major d'aller avec Messrs. de la Mazetiere, le plus ancier Capitaine, et Aubert, Aide-Major, arreter au nom du Roi, Faucault, dans sa maison où j'ai envoyé aussitôt, avec l'agrément de Monsieur le Général, un détachement Français et deux officiers qui sont relevés tour les jours lesquels j'a rendui responsables de sa personne. J'ai aussi ordonné à M. de Grandmaison de mettre les celles sur les papiers, assiste de Messrs. de la Mazetiere et Aubert, en présence de M. Bobé, faisant fonction de controleur de la Marine, lequel j'ai chargé du soin de la comptabilite, le rendant responsable du mal qu'il pourrait faire, quoi que je re l'en croye nullement capable, attendu qu'il est honête homme, et a toujours désapprouvé la conduite de son chef.

Le 26, d'Avout tous les principaux habitans de la campagne et ceux de la ville, on prête, solemnellement serment d'obéissance et de fidelité à S. Mté. Catholique entre les mains de M. le Général. Cette cérémonie s'est faite avec beaucoup d'ordre et de dignité ; je lui ai présenté tous les corps chacun selon leur rang ; M. le Général leur a prononcé a haute voix toutes les obligations auxquelles le serment les engageait, et les liait ; il leur a dit qu'ils avaient un pleine et entière libertié pour le faire, ou pour le refuser ; que ceux qui ne voulaient point s'y engager étaient les maîtres, et qu'il leur donnerait tous le tems et les facilités pour arranger leurs affaires, et se retirer dans leur Patrie. Presque tous généralement l'on prêté avec zèle, et j'ose assurer qu'ils seront dorénavant aussi fidelles sujets de S. Mté. Catholique qu'ils l'ont été du Roi très Chretien ; après que tout le monde a eu prêté Serment j'ai été avec tous Messieurs les officiers au devant de M. le General, et lui ai dit que nous étions très flattés et honorés de servir sous les ordres d'un général aussi recommandable que lui, que nous étions prêts à repandre notre sang pour le service du Roi d'Espagne comme pour celui du Roi de France, et qu'en agissant ainsi, nous exécuterions la volonté du Roi notre maitre, ce qui'était la seule chose que nous desirions ; il

so incredible; let us suppose the council named to try the victims, was composed of a competent number of judges, the proceedings would still be irregular.

One man accuses another, equity demands that they be confronted, and discussion is generally the torch that guides the judge. But here they merely wished a mask to cover an

a été entièrement satisfait de cette démarche, et nous a fait la réponse la plus obligeante.

La fête de la St. Louis, celle du Dimanche, et les occupations que nous avons eues le jour qu'on a prêté serment de fidélité, ne m'ont pas permis de faire lever les celles qu'on avaient apposés sur les papiers de M. Foucault que le 28. J'ordonné ce jour à M. de Grandmaison cy-devant Major, Messrs. de la Mazetieres et Trudeau, Capitaines assistés du Sr. Garic, notaire de cette ville, de se transporter dans la Maison de M. Foucault, pour en présence de M. Bobé, controleur de la Marine, procéder à la reconnaissance et levée des celles apposés le 23. Du present mois sur les bureaux et cabinets contenant les papiers et comptes des finances et autres comptabilités pour ensuite être remis à M. Bobé à l'exception des papiers qui pourront avoir rapport à l'événement du le 29 d'October, les quels doivent in m'être remis par M. de Grandmaison.

J'ai également ordonné le meme jour à M. de Grandmaison et aux memes officiers assistés du dit notaire de faire à M. Foucault une declaration par serment de tous les biens, meubles et immeubles qu'il peut avoir dans cette colonie. Il a déclaré très peu de biens, et beaucoup de dettes en France et dans cette colonie.

J'ai l'honneur de vous adresser, Monsieur, la copie des actes qui ont été faits à ce sujet, Malgre que toutes les opérations precedentes aient donné considerablement. D'occupation à M. le Général, il n'a pas negligé la les soins du gouvernement auxquels il l'est donné tout entier; des voitures ont été expédiées dans tous les Postes pour annoncer la nouvelle de son arrivée, et de la prise de possession.

Les commandants de la Pointe Coupée, et des Acadiens ont reçu ordre d'envoyer à la ville les principaux habitans munis du pouvoir de tous les autres pour prêter le serment de fidélité; à l'égard des postes éloignés, M. le Général a chargé de ses Pouvoirs les officiers qui y commandent pour faire prêter le serment aux habitans qui y sont établis.

La saison ne permettant point d'envoyer un convoi aux Illinois, M. le Général a marqué à M. de St. Ange qui y commande et qui y est de puis cinquante ans qu'ayant confiance dans son expérience et sa probité, il n'a qu'à lui envoyer l'état de ce qu'il pense nécessaire, tant pour les sauvages que pour la protection des habitans et qu'il aura égard à ses demandes.

Son intention est de n'établir des nouveutes qu'autant qu'il le sera absolument nécessaire, Il continuera et sera executer tous les réglemens sages et utiles que la faiblesse du gouvernement n'a pas permis defaire d'observer de puis plusieurs années. Il suivra le code noir qui lui a paru rempli d'ordonnances sages et utiles

action at which a savage would have blushed. These barbarians, deaf to all but vengeance, would at least have shuddered to shed innocent blood. They would have dreaded to have that indelible stain cast upon them. Yet we see an enlightened nation, a people who boasts itself a scrupulous observer of a religion of peace, and not of bloodshed, of a religion breathing naught but clemency and goodness—we see a council composed of men respectable in age and rank, to make reparation for an insult to their flag and king, pronounce sentence of death on men whose whole attention had been to show respect for

ant pour la discipline des nègres, que pour modérer la trop grande pureté des maîtres. Ce qui a flatté infiniment les habitans.

J'ai l'honneur de nous adresser, l'ordonnance que M. le Général a rendue à ce sujet.

Enfin a prés tant de troubles et de discorres qui ont desolé si longtemps cette colonie, il est surprenant que la présence d'une seule personne y rétablisse en si peu de temps le bon ordre, la paix et la tranquillité. Si pour le bonheur de ce pays, M. le Général y fut arrivé plutôt nous n'aurions jamais été témoins de toutes les calamités dont il a été affligé. A cela près du petit nombre de familles qui sont dans la consternation pour la juste disgrâce de leurs parens qui ont été arrêtés, tout le reste de la colonie est tranquille et content.

Tous les habitans sont flattés de ce que Sa Majesté Catholique leur a envoyé un Général qui écoute avec bonté les personnes qui ont affaire à lui, craint, respecté, et aime, pour la générosité, sa bonté, et sa justice envers tout le monde. Il fera le bonheur de cette colonie.

J'ai l'honneur d'être avec un profound respect,

De. votre Grandeur, Monseigneur,

Votre très humble et très obeissant serviteur,

(Signed) AUBRY.

Nlle. Orleans, 1 Septembre, 1769.

Having transferred the province to General O'Reilly, Aubry now prepared to return to France. In the beginning of the year 1770, he embarked on board a ship bound to Bordeaux, with all his property, and the public papers belonging to the province. On the 18th of February, as the vessel entered the mouth of the Garonne, she encountered a violent storm, and was shipwrecked. All on board perished except four sailors, who succeeded in reaching the shore.

The King of France, in order to show how much he appreciated the services of Governor Aubry, immediately granted pensions to both his brother and sister for life. The official correspondence of Aubry is deposited in the archives at Paris, but his private journal, with the valuable archives of the colony, were lost with him in the shipwreck.

both—on men whose lips, as moderate as their conduct, had uttered no insult to any Spaniard, not even to the author of their evils—on men, who had acted only against a man with no recognized title or authority ;—on men, in a word, whose innocence O'Reilly himself had attested by authentically taking possession ; by absolving them from allegiance to the crown of France, and accepting an oath to the fidelity of the Spanish monarch.

Let us for a moment suppose them to have been guilty ; had not their pardon been assured them by an authentic promise, by the plighted word of honor of O'Reilly himself, to follow in his master's name only clemency and goodness, if the colony offered no opposition to his taking possession. But he made hesitation a crime on the inhabitants, and feigned to believe, as he openly declared, that the deputation sent him was only a pretext to examine his force, and see what hope there was in resistance.

If we are to believe public report, the judge, after the investigation, found nothing criminal in the accused. "Do as you like," said O'Reilly, "I must have six victims."

The process was begun again, and a new form taken to palliate at least the atrocity of the sentence, which they wished to color with a hue of justice.

Shall I here repeat this unjust and barbarous sentence?* Shudder, generations yet to be ! Shudder with horror and indignation ! Six were condemned to confinement more or less

SENTENCE OF THE COURT.

*"In the criminal trial instituted by the king, our sovereign, to discover and punish the chiefs and authors of the conspiracy which broke out in this colony on the 29th of October, 1768, against its Governor, Don Antonio de Ulloa, all the grounds of the accusation having been substantially investigated, according to the due forms of the law, between the parties on one side, the licentiate, Don Felix del Rey, a practising advocate before the royal courts of St. Domingo and Mexico, here acting in his capacity of attorney-general appointed by me for the king,

protracted ;* six more to be hung, and these in consideration for their families were shot next morning!† In vain they appealed from this unjust and informal judgment to the tribunal of his Catholic majesty ; in vain they demanded the rights of humanity and justice ; in vain they acted the due respect of nation to nation, and sovereign to sovereign ; in vain they

according to royal authority vested in me, and on the other, Nicholas Chauvin de la Frenière, ex-attorney-general for the King of France, and the senior member of the Superior Council, Jean Baptiste Noyan, his son-in-law, Pierre Caresse, Pierre Marquis, Joseph Milhet, an attorney to the memory of Joseph Villéré, on account of this culprit, demise in prison, Joseph Petit, Balthasar Mazan, Jerome Doucet, Pierre Hardi de Boisblanc, Jean Milhet, and Pierre Poupet, accused of having participated in the aforesaid crime and in the subsequent seditions which broke out against the Spanish government and nation ; having compared the information, depositions and other documents inserted in the proces verbal of this case ; having compared the confessions of the accused with the papers found in the possession of some of them, and by them acknowledged as theirs ; the accused being heard in their defence, and the charges brought against them being accompanied with their respective proofs ; having heard the conclusion of the attorney-general in his bill of indictment ; all being examined and considered either in point of fact or of law, in a case replete with circumstances so grave and so extraordinary ; and taking into consideration all that results from said trial to which I refer, I have to declare, and I do declare, that the aforesaid attorney-general has completely proved what he had to prove, and that the accused have not proved, and established allegations set up in their defence, that they have made out no exception which frees them from the crime imputed to them, and still less saves them from the penalties, which, according to our laws (Spanish), they have incurred for their respective shares in the excesses which have been enumerated by the attorney-general, Don Felix del Rey ; so that from the present, I have to condemn the aforesaid Lafrenière, Noyan, Caresse, Marquis and Milhet, as being the chiefs and principal movers of the aforesaid conspiracy, to the ordinary pain of the gallows, which they have deserved by the infamy of their conduct ; and *ipso jure*, by their participation in so horrible a crime, and to be led to the place of execution, mounted on asses, and each one with a rope round his neck, to be then and there hung until death ensue, and to remain suspended to the gallows until further orders ; it being hereby given to be understood, that

* De Mazan, Hardi de Boisblanc, Petit, Milhet, senior, Poupet and Doucet, were transferred to Spanish ships, and conveyed to Havana, where they were treated with great inhumanity, and detained till the French court solicited their liberation.

† Lafrenière, Noyan, Caresse, Milhet and Marquis, were shot in the yard of the barracks on the 25th of October, 1769.

proved that they had never ceased to be Frenchmen ; that never having taken any oath to the Spanish king, they could not be guilty towards him for sending off a man with no public or acknowledged authority ; in vain they claimed the rights of subjects of the king of France, employed in his service—the sentence was passed, they had to meet it.

Now their patriotic courage, inflamed by the certainty of dying innocent, and the conviction that fidelity to their king alone brought them to the scaffold, was enkindled anew. They exhorted one another to the firmness needed in that fearful

any one having the temerity of carrying away their bodies, without leave, or of contravening in whole or in part, the execution of this very same sentence, shall suffer death. And, as it results also from said trial and from the declaration of the aforesaid attorney-general, that the late Joseph Villeré stands convicted likewise of having been one of the most obstinate promoters of the aforesaid conspiracy, I condemn in the same manner his memory to be held and reputed for ever as infamous ; and doing equal justice to the other accused, after having taken into consideration the enormity of their crime, as proved by the trial, I condemn the aforesaid Petit to perpetual imprisonment, in such castle or fortress as it may please his majesty to designate ; the aforesaid Masan and Doucet to ten years imprisonment ; Pierre Hardi de Boisblanc, Jean Milhet, and Pierre Poupet to six years imprisonment, with the understanding that none of them shall ever be permitted to live in any one of the dominions of his Catholic majesty, reserving to myself the care to have every one of these sentences provisionally executed, and to cause to be gathered up together and burnt by the hand of the common hangman, all the printed copies of the document entitled, " Memorial of the Planters, Merchants, and other inhabitants of Louisiana, on the event of the 29th of October, 1768," and that all other publications relative to the conspiracy be dealt with in the same manner ; and I have further to decree, and I do decree in conformity with the same laws, that the property of every one of the accused be confiscated to the profit of the king's treasury ; and judging definitively, I pronounce this judgment, with the advice of Dr. Manuel Jose de Urritia, auditor of the war and the navy, for the harbor and city of Havana, and the special assessor named by me for this cause, under the royal authority ; and his fees, as well as those of the officers employed in this trial, shall be paid out of the confiscated property, in the manner prescribed by law.

(Signed)

" ALEXANDER O'REILLY.

(Countersigned)

" MANUEL JOSE DE URRITIA."

This sentence was afterwards modified to shooting, instead of hanging the prisoners.

moment; but the bloody preparations were no terror for them; they advanced with that tranquillity and firmness which a feeling of innocence gives. Placed side by side, facing their butchers, their hands raised to the God who avenges the innocent and rewards the virtuous, they absolutely refused to bandage their eyes. "Death has no terror for us," said M. le Marquis, and with the greatest sang froid asked for a pinch of snuff. "Know that, foreigner as I am, my heart is French; it has always beat for Louis, the well-beloved, to whose service I have sacrificed thirty odd years of my life, and I glory in dying for my attachment to him."

"Let this consoling idea bear us up," said De la Frenière, "and reconcile us to the cruel separation which the idea of our death might otherwise render insupportable. May our well-beloved king learn how dear he was to us, how we glory to die his faithful subjects. If he can be informed, let us not be solicitous for the fate of our wives and children—to his generous hands we resign them. To die for our king—to die Frenchmen—is there anything more glorious? This idea so exalts my mind, that if at this terrible moment, when I am ready to appear before the Eternal, the Spaniards offered me life on condition of my renouncing my French allegiance, I would as firmly as now say,—*Fire*."

Hands trembling at the sight of this heroic courage, dared execute this savage command. M. de la Frenière fell bathed in blood; but the Eternal refused to receive a soul which he had placed on earth to be its ornament. M. de la Frenière, still palpitating, laid his hand on his heart, they thought they heard him say, "It is French." A second discharge annihilated life, after these signal proofs of his patriotism. The rest were already no more.

Let us here give free vent to our tears; they are too just a

tribute to be refused; they would flow despite the hardest heart. Let us transmit to posterity the names of the six victims whom we deplore: M. de la Frenière, Le Marquis, De Noyan and Villeré, all connected by blood and friendship, all superior to any eulogy we can give. The other two were Messrs. Caresse and Milhet. Let us, with the colony, join in regret on the death of M. de Noyan. All seemed to combine for his safety; shining merit, regard due to his birth, and the services of his family in the colony, the respect due to the French king in whose service he was employed, and who alone had a right to dispose of his life. What adds still more to our regret is, the generous manner in which this young man devoted himself to death, as we have already seen that it lay with himself to escape an arrest.

It is said that in the course of the interrogatories, O'Reilly did all he could to save him, but that M. de Noyan, in hopes of exculpating his father-in-law, always turned the accusations on himself. It is added, that O'Reilly, when about to sentence him, said: "Sir, it depends on yourself to save your life; give us a pretext for doing so; say that you were led to the steps laid to your charge; say that your father-in-law"—"I will not stain my name to save my life," replied this generous officer, "interrupting him, "I will die worthy of your esteem and your regret, nor will I tarnish my soul by an odious falsehood. No one could suggest to me the actions you make a crime; accuse my love of country, my love of the king I serve—this is the mainspring of my conduct." This magnanimity made no impression on O'Reilly.

Wretched wives, desolate families! Your cause is that of humanity; the whole universe is about to plead by my lips; let equity decide in this matter! The policy that they would set up in such cases is a barbarous atrocity. In vain did you

try, by your mournful cries, to move the hardened heart of the most cruel of men. Bloodthirsty tiger! thy savage, barbarous soul still drinks in the tears of those wretched wives, vainly imploring at the door of justice (a virtue which you never knew), clemency and pity, sentiments foreign to your heart. Were you even touched at the moving spectacle of Mme. de Noyan, humbled so as to kneel at your door? Shudder wretch! you should fall. Consider the illustrious blood to which that lady is allied, and kneel! Hear the mournful cry of that wretched mother, daughter, wife; behold her youth, her love, and extend a protecting hand—but no! close thy fierce eyes, close thy ears, open only to falsehood; dread to hear the piercing cry of children for their fathers; wives for their husbands; citizens for their virtuous countrymen. Respect neither the laws of humanity nor those of justice; sate thy rage and cupidity; do more evil in a day than a Nero or a Caligula; dare more—dare to say that the sentences from thy infamous lips had been dictated by thy king. This horrible blasphemy alone was wanting.

But do not expect to impose upon the public by this respectable veil. Thy conduct is still that of an imposter, a savage and a knave. Posterity will never believe that a beneficent king, a Bourbon (clemency and goodness are in the blood of every prince of that illustrious blood), resolved to shed innocent blood. It will scarcely be realized that he could have chosen one so false and unjust to bear to his subjects the mark of the clemency, goodness, benevolence, with which the world knows his heart is filled.* The Eternal who judges us awaits thee in that fearful moment, when a strict

* This is certainly carrying flattery to its highest point. The orders of a Spanish king of that day, were precise and without any liberty to the officer. The usual ending was, "So pena de muerte," which we need not translate.

account must be rendered of thy motives in acting. But before this public indignation, the contempt of a worthy nation whom thou wouldst make the accomplice of thy villany, the gnawing worm that will unceasingly attend thee, are the just feelings that thou shalt experience in this life.*

Let us here repeat, what Capt. Pittman† writes on this frightful event: "You could cast your eyes on this bloody tragedy only with horror and execration. Such a treason, used to destroy an enemy or punish a criminal, dishonors a nation and degrades the name of justice."

But should public indignation fall on O'Reilly or on Ulloa? The former, it is said, only executed the orders of the court.

First let us lay it down as perfectly impossible that a cabinet as enlightened and equitable as that of Madrid, directed by a just and merciful king, should have pronounced a sanguinary decree against men accused indeed, but not yet heard. If on Ulloa's mere report they were judged guilty, the truth of that report was still to be examined; the accused must be heard and be confronted with their accusers. All these formalities should precede judgment. Hence it would be a breach of the respect due to the cabinet of Spain to suppose it had pronounced a definitive sentence in the matter. That O'Reilly had orders from his court to arrest them, to try them, is probable, as the Spanish king believed them his subjects, and in this point of view they would have been guilty of expelling a recognized officer. But Aubry, by absolving the colonists from the oath of allegiance to France, declared that they had not ceased to be French, and O'Reilly, by taking the oath of allegiance to the Spanish king, established authentically and

* This prognostic was soon after realized.

† Pittman was an English officer belonging to the corps of engineers stationed at Mobile. He wrote a work on "The State of the European Settlements on the Mississippi," which was published in London, 1770.

manifestly the injustice of all the proceedings he was about to institute. And against whom? Against men who could not violate an oath they had not taken; whose actions all tended to show their attachment to the monarch whose subjects they still were. Then did it become a crime to be a faithful and patriotic subject?

The Spanish court might have been deceived by the informal act of possession passed between Aubry and Ulloa:* an act of no force as regards the colonists, who knew nothing of it, an act irregular on its very face. Ulloa may have persuaded his court what he could, but not O'Reilly, who was on the spot. Did he believe the act valid? Did he believe the colonists subjects of his sovereign, at a time when he sees Aubry absolve them from the oath that bound them to the king of France; at a time when he receives their oath to be as faithful to the king of Spain as they had hitherto been to the king of France? Do not these formalities prove that O'Reilly believed the colonists still Frenchmen when he arrived in the colony, and that the dismissal of Ulloa was not the expulsion of a Spanish governor, but of a stranger, assuming to be invested with a title which would have given him a right to authority had he shown it. Is it not public and notorious that the dismissal, far from being seditious, was done with the greatest decency, the greatest respect for the Spanish flag, and the utmost attention to insult no native of Spain? that the colonists, to obtain justice, had recourse to the tribunal appointed by the French king, whose sole authority was recognized?

Is the judgment of the Supreme Council on Ulloa made a

* See letter from Aubry to Choiseul, in the Archives at Paris, explaining the reasons why Ulloa hesitated taking possession of the province, and another from Choiseul to Aubry, approving his conduct of governing the colony for the king of Spain, July, 1766.

crime? Let us read its justification in the memorial on these sad events.*

“If, on the part of the inhabitants, representation to the

[This memorial was drawn up by Lafrenière, at the request of the merchants and planters, to justify the *Revolution* of the 28th of October, 1768.]

* MEMORIAL OF THE MERCHANTS AND PLANTERS OF LOUISIANA, ON THE EVENTS OF THE 29TH OF OCTOBER, 1768.

To the World:—The magistrates of the Supreme Council of Louisiana, eye-witnesses of the calamity which afflicted us, could no longer turn a deaf ear to the plaintive cries of an oppressed people. The decree of October 29th, which followed our humble remonstrance, is a proof of the imminence of the dangers which environed us, and the weight of the yoke which begun to crush us. Induced by the state of affairs to believe that great evils require prompt and powerful remedies, our magistrates did not hesitate a moment to take the necessary step of sending off the self-styled governor, for his Catholic majesty to render him an account of his conduct. But their diligent care was not confined merely to calming the disgust of a groaning people; they have also empowered them to bear this petition and requests to the foot of the throne, convinced that the compassionate eye of their natural sovereign would turn to such devoted subjects, and that their respectful love for their monarch would not be rejected by his beneficent majesty, the image of the All-preserving Being for his people on earth. Zealous Frenchmen, whose property and families are on this continent—you, whose pure hearts need not your monarch's eye to arouse you—you, whose zeal for your incomparable monarch has suffered naught by crossing the vast ocean, by mingling with strangers, by the constant activity of a neighboring and rival nation, calm your disquiets as to the cession of this province. Our great king seems in his letter announcing it, to have a presentiment of the alarms. He made himself mediator of our cause with his Catholic majesty, induced us to expect from him the same marks of good-will and protection as those enjoyed under his beloved rule. These august sentiments embolden our love. May the cries of joy, may the “Vive le Roi,” so often shouted around our flag on the day of the revolution and the two following days, be renewed without fear! May our feeble organ teach the world and posterity, even that this loved rule under which we wish to live and die, to which we offer the wreck of our fortunes, our blood, our children and families, is the rule of Louis, the well-beloved.

The colony of Louisiana was ceded to his Catholic majesty by a private act passed at Fontainebleau, November 3, 1762, and accepted by another act passed at the Escorial, on the 13th of the same month. The king, by a letter written at Versailles on the 21st of April, 1764, to M. d'Abadie, then director-general and commandant for his majesty in Louisiana, announcing this cession, testifies at the same time his hopes for the advantage and tranquillity of the colonists, and his trust that from the affection and friendship of his Catholic majesty, “he will give orders to his governor, and all other officers employed in his service in

council was the only way open to themselves, was there not an obligation on the council to right them? Could it refuse to listen to the repeated protests of the colonists and principal in-

said colony, to continue in their functions the ecclesiastics and religious in charge of parishes and missions—and continue the ordinary judges as well as the Superior Council, to render justice according to the laws, forms and usages of the colony—and would guard and maintain the colonists in their possessions—hoping, moreover, that his Catholic majesty would show his new subjects in Louisiana, the same marks of good will and protection displayed in the previous government, and of which the miseries of war had alone prevented their feeling greater effects. He, moreover, orders his letter to be registered in the Superior Council at New-Orleans, that the different orders of the colony may be acquainted with its contents, and refers to it in case of need; his present letter having no other object.” Happy and consoling prospect produced in our hearts by the promises of the most august and respected of monarchs! by what fatality have you vanished?

Ulloa arrived at the Balize on the 28th of February, 1766, in a 20-gun frigate, with about eighty soldiers, some Spanish capuchins and employés. He landed at the city on the 5th of March, and, accompanied by members of the council, who, in spite of a storm of rain, went to his boat; he passed through a double line formed by the regular troops, the provincial militia, and the roar of cannon and public acclamations. He at first responded to these signal marks by the most brilliant promises, but the sequel did not prove their solidity. Without entering into minute and ridiculous details of his private life, we shall retrace his public acts. If his principal aim was to destroy by the first acts of his clandestine administration the flattering hopes we entertained, he succeeded perfectly.

To evince more clearly the first ground of complaint on our side, we must observe, that the trade with the Indian tribes is one of the principal branches of commerce; so intimately connected with the planter's interest, that one is the spring of the other. This trade is a very profitable market for the productions of several factories, and with encouragement would extend. It is a rich mine—the opening of which offers treasures more considerable than the metallic veins of Potosi, and to increase as the trader increases his commerce. From this inexhaustible source flow advantages both public and private; the merchant finds in it a market—the man without means, employed as a trader and voyageur, finds means of subsistence and lays up some money. The affection of the people is sustained by the intercourse with Frenchmen, eager to procure things which a knowledge of them has rendered necessary. And, lastly, public security, which this trade with the Indian tribes that surround us has created, is maintained by it; but this is not the only benefit which results from it, for the colony in general. Ships from Europe and the West Indies, attracted by the hope of a profitable return, bring us the provisions we need, and finding in our stores peltries, on which they hope to profit, furnish us these supplies at a fair price;

habitants, against the formation of new establishments in the country without the formal act of oppression? Did not the very orders of the king make that tribunal a guardian of the

which becomes excessive when they have to sail away in ballast. These facts—these solid advantages, have been regarded by our worthy ministers, whenever their express orders have encouraged traders, by recommending free-trade. The reality has been acknowledged and expressly declared by the Duke de Choiseul, in his letter to M. d'Abadie, under date of February 9th, 1765. All the Upper Mississippi, and the northwest on the Missouri, was then offered to our activity. Countless tribes, rich in rare furs, inhabiting these unknown parts, would soon be subjected to our factories alone. The discoveries to be made in those fine countries would be reserved to our efforts, and our eyes would for the first time explore that part of the globe still unknown to civilized man. How encouraging for us are the intentions of this wise minister! With transports of gratitude we beheld him turn his attention not only to the re-establishment of our fortunes, ruined by the evils of war, and the increase of our resources almost annihilated by the very conditions of peace, but also extend his views to geographical discoveries, and trace in the same tableau the path of fortune and glory. A magnificent project which Ulloa deranged, and would doubtless have destroyed. We do not seek to fathom his motives, and confine ourselves to the narrative of his persevering efforts against free-trade. They began on the very spot by a general prohibition. The traders and settlers in Illinois complained. They showed M. de Saint Ange, the French commander in that port, the certainty of their ruin, and the inevitable danger of their being plundered and perhaps murdered by the Indians, who, ignorant and careless of political considerations, ask only for a constant supply of goods and a market for their furs. In spite of the repugnance of Señor Rice, a Spanish captain sent by Ulloa to Illinois, as commandant, the traders went to the villages this year also, although limited to a certain number; these, however, were the last efforts of their expiring privileges, and Ulloa about the same time granted to five or six individuals an exclusive trade in the country, recommended by our ministers to general emulation.

The lumber trade is another object of attention to the merchants, whose interests we have just seen are so closely connected with those of the planter. In the representations made to the Superior Council of the province, it was shown that the value of this article exceeded 100,000 livres a-year—an assertion which no one contradicts. This business, which the nature of the country presents to each with a profit in proportion to the means which he can employ, but always certain in that degree, is the first effort of the new planter, and the steady object of the old one. Deprive Louisiana of free-trade, close the market for her wood, and from that moment you condemn the merchant and planter to indolence and want. The ordinance issued September 6th, 1766, was but a warning of this misfortune. His Catholic majesty informed, we were told, of all that concerned the provisioning and utilizing of the country, deigned so far to favor the inhabitants as to permit the export of lumber in vessels from St. Domingo and Mar-

public peace, over which it was expressly enjoined and recommended to watch."

Did not all these reasons tend to convince O'Reilly of the

tinique, till means were found in Spain of carrying on that trade. But what probability is there of our lumber trade being taken up in Spain? This was plunging the dagger gradually in; the death-blow was given by the decree. In the first article it is said that the shipping shall be only at the ports of Seville, Alicante, Carthagena, Malaga, Barcelona, Corunna, &c. In the eighth, that the returns shall be made to the same ports; in the third article, vessels sent to Louisiana must be Spanish bottoms, and the captains and crews Spanish or naturalized. Finally, in the fourth and ninth articles, voluntarily putting into any American port, even in Spanish territory, is forbidden, and an involuntary one, subjected to onerous versifications and impositions. Had we then the faintest gleam of hope for our lumber trade to the French colonies of St. Domingo and Martinique, the only spots where it had any value? Ye imprudent censors, whose unfounded reflections may extend to our conduct in this revolution, try, by your mathematical combinations, to restore the broken harmony, by according it to the decree, but first think of furnishing us means of subsistence.

Besides, what apparent resource could even suspend our just forebodings? The products of our lands and commerce consist in lumber, indigo, furs, tobacco, cotton, sugar, pitch and tar. Furs have little value in Spain, as they are not in use, and those used are made up abroad. Havana and Peru supply wood and sugar far preferable to ours; Guatemala, a superior indigo, and in quantities greater than their factories consume; Peru, Havana and Campeachy, cotton; the Isle of Pines, pitch and tar; Havana and the Spanish part of St. Domingo, tobacco. Those grown by us, inferior to those produced by those vast territories, and useless and superabundant in her ports, are rejected there, or reduced to a nominal value. What return then can we expect from shipments made to the ports named in the decree? On the other hand, the small number of factories in Spain, with the little aid given there to maritime cities by home agriculture, forces Spanish subjects there to resort to foreign ports for provisions of every kind. Marseilles supplies her ports with grain, as they cannot obtain it at home without the excessive expense of a laborious land carriage in a mountain country. The whole nation too, is tributary to all the manufacturing countries, and the most signal favor that Providence has done her, was to make her mistress of Mexico and Peru to purchase her first necessities. Rich by industry alone, can we expect Spain to furnish ours sufficiently and cheaply, when she herself is obliged to buy her own in cash and at high rates? In spite of the perhaps momentary exemption announced by the decree of all duties on shipments to Louisiana, these sad truths known to the whole world, coupled with the certain depreciation of our products in the Spanish ports, have made us justly fear, that our crops, though abundant, far from rewarding our industry as heretofore, by often giving us superfluities, will cease to supply even pure, simple necessities.

From these observations, superficial indeed compared to the certainties from

innocence of the accused? And even if he had received from his royal master, which is out of the question, the cruel order to condemn them to death, should he not, before pronouncing

which they are deducted, can we for a moment doubt that this colony, as far as its productions are concerned, will be useless to Spain, and that the political views in the treaty of cession was confined to the sole object of making a bulwark for Mexico. But will the misery of the colonists give strength to that bulwark? What madness to undermine our rising fortunes by destroying free-trade, when even these political views do not seem to require the sacrifice! Everything induces us to believe that his Catholic majesty desired first to learn by the reports of his envoy, the causes which produced and the means which maintained our prosperity. Our king's promises assured us of the good will of our new sovereign and the mildness of his intended administration. The officers of the Spanish king, on their arrival, announced the continuance of our commerce for at least ten years; the source of our wants known in Spain, without our even indicating it, was left open to our activity; but on seeing the decree, can we doubt that Ulloa, charged with that report, as stated in the ordinance published here on the 6th of September, 1766, is the author of the calamities which threaten us, and that having projected our ruin, his untrue reports have prevented the effect of that good will, which his master undoubtedly intended to show us.

It is vain to object that the last article of the decree permits us to draw from Spanish ports the fruits and goods from Louisiana to sell them in foreign countries, if there is no market in Spain, and that without paying any export duty. What avail is all this pretended advantage to us? Let us not count the articles of the decree, but observe its spirit, and read none of the articles without following the close connection between them all. We are indeed permitted to sell in foreign countries, products unsaleable in Spain, but on what conditions? Our merchants, naturalized in Spain (decree, art. 3), must go to the ports of Seville, Malaga, &c., and pay five per cent. (art. 12); forced by the refusal of their cargo to leave these ports and go to seek a market in the neighboring countries, they must return in ballast to Spain (art. 1); to take in a cargo of fruits and goods already into Spain after paying import duties (art 7). Does this expensive voyage dispel our sad reflections on the general want that threatens us? Add to this, the ships' expenses, estimated by our chambers of commerce at 3,000 livres a month for a vessel of 300 tons, the unloading in a Spanish port, reloading for a foreign market, double commission, insurance and storage, the increase of avaries, (duties) which foreign nations will of course charge on goods coming from Spain, and we behold the decree as a kind of alembic, devouring, rarefying our crops to their quintessence.

Our king's promises in his letter of April 21st, 1764, induced us to hope that we would always have the same laws to follow and the same judges to hearken to. Yet, what a blow was given to this article by Ulloa at the very outset of his administration? He had not yet taken possession; his commission has never been verified, enrolled, or even presented; no tie yet binds us to his authority;

sentence, prove to the king that he had been deceived, that the colony never having ceased to be governed in the name of the French monarch, the inhabitants were not guilty of any

nothing but a respectful deference for the character which he is supposed to bear, promises him our obedience ; and yet severe punishments, chastisements unknown under the still subsisting French rule, are already inflicted by his orders, on the slightest faults ; even if supposed to be faults at all. Now, it is not to be imagined that these false principles of administration, these sad novelties of an unknown domination, are the only motives of our fears and the alarm spread through our families. The Spanish law may have beauties and advantages unknown to us ; but an antipathy to all that is humane, a natural disposal to injure, seen and proved in the individual who comes to proffer us that law, make us feel the hardest consequences, while appearing to act only by those very consequences. Spanish policy closes its ports as much as possible, in order to close it at will to foreigners, and absolutely to cut off contraband trade. In consequence of this law, the envoy of his Catholic majesty has closed all the passes of the Mississippi but one, and that the most shallow, difficult and dangerous. An almost universal law forbids establishments within a certain distance of the citadels and fortifications of the frontier towns. Señor Ulloa has thought that establishments formed in the primitive towns of the rising colony by grant from our prince and under the eyes of his governors, should be destroyed, on account of their proximity to the palisade with which the city has within a few years been surrounded. Condemnation to the mines is decreed by the Spanish law against malefactors and dangerous men. Ulloa has not hesitated to pronounce it against respectable men, whose only crime was their being the spokesmen of their fellow-colonists and bearers of respectful representations, exposing our wants and tending only to the encouragement of agriculture, the increase of commerce, the importation of necessities, and the general good of the country. Dispatches given by persons in office require more diligence and exactness as they may interest the general welfare ; but the hearers have never been held responsible for superior strength, head-winds, the risks and perils of the sea ! What harsh treatment, what vexation was not exercised by Ulloa successively towards Messrs. Gaynard and Gachon, because their ships did not deliver packages at Havana in time on account of the weather. A decree of the Superior Council of this province had for wise and just motives forbidden the introduction of negroes *creolized* or domesticated, in St. Domingo and the other isles ; but it was all reduced to visiting slavers on their arrival, and sending immediately back such as were within the prohibition. To this Ulloa added sequestration of property, imprisonment, and without any commendatory ordinance, which should always precede first punishments, he has exercised them on Messrs. Cades and Leblanc, whose sole crime was their not having had a prophetic spirit, and having been ignorant of the existence of his decree. These facts, which are not notorious, and of which many individuals have been victims, interest all as much and more than can be imagined. To make this consequence more evident, we shall enter into the details of several.

crime against the king of Spain ; that it would be a violation of the law of nations, and what is more, of the respect due to the French king, to judge men in his service, and condemn and

As to the interdiction of the passes of the Mississippi, it must be known that Ulloa, in spite of all representations, and what he could have seen himself or learnt by the disasters, stubbornly insisted on their frequenting only the North-East Pass, which, in the highest tides, has only nine or ten feet of water, preventing all vessels from entering or leaving by the others which have ordinarily ten or twelve. To this restrictive and dangerous prohibition he added another still more so ; he forbid pilots to sleep on board of vessels anchored outside the pass, and kept out by head-winds or shallow water. Difficulties and accidents followed, but this did not dissuade him from his first plan. The first difficulty was the delay of vessels going out, frequent and expensive at all seasons, but almost inevitable in winter when the north and north-northwest winds prevail, as these are useless for the North-East Pass, while they not only serve to carry vessels out of the Eastern Pass, but also to drive them on their way, without any necessity of their waiting for a wind. Entering was as bad. The North-East Pass could not be entered with a south or south-southwest wind, though the eastern could. Besides this, the Spanish officer at the Balize obliged them to anchor as soon as entered opposite the houses of the Balize, to be examined there, in an exposed anchorage. Thus great risk was run, which could have been avoided by anchoring in the fork, or keeping on their way up the river, as was done under their former liberty, which was not more favorable to those to whom they wished to forbid entrance. Moreover, in all countries when a coast-pilot sets foot on board, he never leaves till the vessel is in or out, and in safety, and acting day and night as the case and weather may require. If this rule should be inviolable anywhere, it should be undoubtedly in our parts bordering on low countries and a large river, with a bed of mud in one place, and of sand in another, where winds change, and water rises or falls from hour to hour. By preventing pilots from sleeping on board in a gale and sending them off at night, an inexperienced captain, ignorant of the bars and passes, was helpless ; obliged to hoist sail to get off, often with the loss of anchor and cable, he would run on the reefs opposite, called " Les Moutons," or at least would get in the wind of the pass, without any hope of getting up easily ; and finally, if he was fortunate enough to get off, he returned after much time and trouble only to face the same danger again.

Navigation, that art so useful to states, hardly deserves that men should combine with nature to increase its difficulties and dangers. Is the fortune of ship-owners and the life of mariners so worthless, that they may be exposed to almost unavoidable danger by the caprice of a single man ! Ask the European and the India captains and crews, who have been here within the last two years and a half. All have seen the new perils invented by Ulloa ; many have been the foot-balls and victims of his malignant combinations. Without citing many examples, the accident of Capt. Sarron while leaving the river, is striking. After having lain a considerable time to get out by the North-East Pass, as the

punish them for their attachment to him. Should he not have added that Ulloa, wishing to govern without showing his right,

wind was N. and N. N. E., the wind changed at last, and his time came. But the water had fallen so that he got fast on the pass, though he had the good fortune to get off and return. He came back to the city to careen his vessel again. (And observe the city is nearly ninety miles from the mouth, and that vessels have often to get up by towing, and this has taken some fifty or sixty days, without any means of doing it otherwise.) Capt. Sarron lost his voyage and spent uselessly much money; while had the Eastern Pass been forbidden, and pilots been able to frequent it, he could have got out without delay or danger.

At the very time that we are drawing this memorial, the trumpet announces the sale by auction of the rigging and artillery saved from the ship *Carlota*, from Rochelle, half buried in the sand. Captain Lacoste would not complain of the loss of his vessel, if, when he wished to enter, he could have kept his pilot on board, as the pilot, if he could not get him in the pass, could have shown him a sandy bottom where he could lie to, as many, and among others Capt. Couriac, have done.

Some colonists here are engaged in manufacturing brick for home consumption. The three principal kilns are at the city gates; the largest, employing a considerable number, is the patrimony of four minors, and sometimes yields 150,000 livres a-year. This ground is susceptible of no other revenues, and the men cannot even make a living there. The city, moreover, is not incommoded by it, and the pits whence the clay is dug being removed from the highway, the public road is neither narrowed nor impeded. Ulloa first attacked the administrator of this brick kiln, and absolutely forbid him to continue, under pain of forfeiting his negroes, oxen, carts and tools. The parties interested, after many efforts, at last wrung from him the grounds of this prohibition. He told them that the pits corrupted the salubrity of the air. To disabuse him, they furnished certificates of physicians and surgeons. M. Lebeau, M. D., in his majesty's pay, even drew up some learned and perfectly conclusive observations. As to common reflections, they were, "that the country had always been very healthy in spite of all the clay-pits and cypress groves on the river and around the city." According to his system it would be necessary also to fill those into which the water runs and remains most of the year. Ulloa undoubtedly had not foreseen these objections, but he imagined or adopted another reason which he believed unanswerable, namely, that establishments should be kept off from the fortifications, as he called the palisade, which has nothing secret, and an approach to which is of no consequence.

The affair was however spun out, and they could neither obtain of him an order in writing to stop, nor a verbal permission to continue, and many have justly supposed that the brick business was aimed at by some two or three individuals—a plan which coincided exactly with the Spanish envoy's turn to reduce all to monopolies.

This unconquerable inclination was more clearly evinced last year in his prohibition to introduce negroes into the colony, as it would have been prejudicial

should be regarded as having violated the usages established by reason and equity. O'Reilly might say, too, that the sub-

to an English merchant in Jamaica, who had sent a vessel to Ulloa to arrange with him the contract for supplying slaves; this blow was aimed both at our commerce and our agriculture. From the merchant it took a considerable branch of trade, and cut off the planter's means of fortune, for the rivalry prejudicial to the English merchant was advantageous to the colonist, who would have preferred cheap and well-conditioned slaves. What then? Deprive the new subjects of the most natural means of profit and increase, and enrich a foreigner! Is this what the new rule promised? Has Ulloa received such orders from his master? Who dare presume so? Are we not tempted to believe that vile reasons of interest entered into these monopolies!

Our governors, commandants and magistrates have always been regarded by us as our fathers. As often as we deemed it our duty to remonstrate humbly our particular wants or the general interest, were favorably received; when we addressed our governors and commandants, instead of regarding us as rebels and mutineers, (a favorite expression of Ulloa's) they approved our steps, as proper in a true citizen. We have a proof in M. Aubry's, on the 28th of June, 1766, to the memorial of the merchants of New-Orleans. He dispels our uncertainty; the organ of the minister to us, as the minister himself is of the sovereign's will, he communicates to us orders received from him, and gives us copies of letters which he has written in consequence to the officers of the posts. In the end he excites, encourages, and evokes in us a reciprocal zeal. When we address the council our memoirs are examined; if our demands appear just, the voice of the procurator-general seconds ours, and the court deliberates; the events of the 29th October, are a recent proof. Royal promises induced us to expect the same mildness, the same liberty, the same privileges in the new government. But far from assuring us of their continuance, Ulloa will not even allow their semblance to remain. The ordinance published on the 6th of September, 1766, exhorts merchants to make the representations which they addressed to their magistrates. Ulloa treated them as seditious, without knowing them; and although our judges by condescendence at first suspended judgment, he thought proper to try an example capable of alarming whoever would in future dare to speak of his interests or his wants. Some of our merchants, whom he doubtless believed the authors of these representations, attached to the country by their family, credit, commerce and fortune, have been menaced with imprisonment and confiscation—a judgment to emanate solely from Ulloa's tribunal, and which they with difficulty escaped.

But who, after all, is this officer of his Catholic majesty! With what commissions is he invested! With what powers clad, to exercise so tyrannical an authority even before showing his powers and titles, which we have never yet seen? A confused rumor tells us, that during his long stay at the Balize with M. Aubry, our commandant, an act of transfer was passed under their private seals. If this be true, what is his political principle in not publishing this act and declaring his rank, unless it be to cloak his tyranny under the seal of the French rule?

mission of the inhabitants to him, proves what Ulloa would have received had he fulfilled the usual and necessary formal-

The term tyranny may seem too strong ; let us add that of vexation, to keep pace with the facts. With what menacing show, even at the time when he received from us only marks of blind submission, did he not present in one hand the first fruits of the new law, in the other the avenging sword ? The ordinance of September 6th, 1766, (the first decree of his will published here, and wherein the august name of his Catholic majesty was abusively employed,) this ordinance was promulgated in our roads at the sound of the drum, and at the head of twenty Spanish soldiers with muskets and bayonets. Was it to insult us or prevent our murmurs ? If the former, what would Ulloa have done in a city conquered and taken by assault ? What pomp would he have selected to deliver his ordinances, when he acts thus to friends and allies ? Did he take us for Indians of Mexico or Peru ? If the latter, was the Spanish envoy ignorant that this ordinance, the fruit of his false statements, was diametrically opposed to our welfare, and at the first blush calculated to excite our murmurs ? Loaded with our deserved hatred, his country may approach him with want of policy in forcing us to fear all Spanish rule.

We have with indignation beheld him sell to an Englishman the liberty of four Germans at fifteen dollars ahead ; and when, on the day of the revolution, Aubry, our commandant, urged by our prayers and entreaties, authoritatively demanded their restoration, we beheld these enfranchised men come down from the Spanish frigate when their new master retained them, and on the levee cast themselves at the feet of their liberators. We have seen those unfortunate victims of the scourge of war, those persevering citizens, who have sacrificed their hereditary possessions to the patriotic sentiment, unfortunate Acadians, who, hitherto gathered in our parts, and protected by our commanders and judges, began to find consolation in their disasters, and labored to retrieve them—we have seen them alarmed by the frantic rage of Ulloa at their humble representations, and trembling at his threats, believe they behold them already carried out on the liberty of their families, and all sold at auction as slaves to repay the king's rations. Are we at Fez, or at Morocco ?

What has not this singular man done in the actions of his private life ? What a humiliation has not France received during his stay here, not only in the violation of the right of nations, but also in the contempt of the ecclesiastical laws ! Besides, doubtless in his contempt for French Catholics, he has refrained from frequenting our churches, and has had mass said in his house for eighteen months, and by his chaplain conferred the sacrament of marriage on two persons, the woman a negress and a slave, and the man white, and this without permission of the parish priest, without any publication of banns, without any forms or solemnities required by the church, to the great scandal of the public, in contempt of the council of Trent, and against the positive tenor of our ordinances, civil and canonical.

What is there then culpable in the course which Ulloa's conduct and vexations compelled us to take ? What evil have we done in throwing off a foreign yoke

ties ; that there must have been some great irregularity in his conduct to induce the steps to which the inhabitants proceeded,

rendered still more crushing by the hand that imposed it ! What harm have we indeed done, in demanding our laws, our country, our king, and vowing a persevering love to him ! Are these praises unexampled in our history ! More than one city in France, provinces even, Quercy, Rouergue, Gascony, Cahors, Montauban, did they not again and again throw off the English yoke or obstinately refuse his chains ! In vain did the treaties, cessions, even repeated orders of our kings, sometimes try to effect, what English arms could not compass ; and this noble resistance to the will of their native sovereigns, instead of enkindling their anger, excited their love, obtained their aid, and effected an entire deliverance.

And besides, of what use could the colony of Louisiana be to Spain ! Inferior in its productions to the rich countries which she possesses, our country can only serve as a bulwark to Mexico. Now, will this bulwark be impenetrable to the forces of England, already mistress of the east bank of the Mississippi, with a right to the navigation and owning above, posts accessible not only from the mouth of the river, but also by their immediate proximity to other countries in the north where their sway is established !

The preservation of this colony by France, is a better guarantee to the Spanish possessions on that side than a cession made to that crown ; the unfavorable impressions already conceived against it by the Indian tribes, which drew on the Spanish Captain Rice, commandant of the Illinois, not only insults, but fierce threats, would range them among the enemy in case of attack. On the contrary, these tribes always march with the French soldier, without asking against what foe ; this is the true bulwark.

As Spain can derive no advantage from the acquisition of this immense province, and as evidently the restrictions of commerce will reduce us to a bare living, why should the two sovereigns agree to make us unhappy, merely for the pleasure of doing so ! It is a crime to think so—such sentiments do not enter the hearts of kings. The protection of our new prince, promised by ours in his letter of April 21st, 1764, shows their mutual wish for our happiness ; and the respected silence, which we have hitherto preserved on our real interests, has doubtless prevented their attaining the true means to render us happy.

As to the utility of this colony to France, the slightest reflection shows it. The loss of Canada having closed that market to French manufactures, the preservation of Louisiana can in a short time redeem this loss so injurious to home industry. The efforts of the French already settled here and of those who come in daily, can easily render available that Missouri trade already so well planned, and which needs only the encouragement and help which the French rule can give. Even the Canada Indians come daily to Illinois for French goods, preferring them to those which the English carry to their villages. Let them cease fettering our activity, and England will cease selling France what furs she needs. In their cargoes, our manufactures will find a ready sale and constitute their gain, and in the return of furs, to which may be added our indigo, sugar, cotton,

as the French governors had always experienced their fidelity and submission.

they will also have the supply of the raw material on which their industry is engaged. If, then, the utility of manufactures in the kingdom is acknowledged—and they have always obtained the special protection of our kings—is it not in the political order to extend this protection to the preservation of resources, which it would employ all the forces of the state to acquire, if not possessed of them?

To these considerations add the suspended payment (since 1759) of seven millions in royal paper, which formed the currency of our exchange and the sinews of our commerce. Add the mutual engagement of French merchants to us, and us to them, whose fate depends on the disposal to be made by the king of this province; add, too, our obligation to endeavor to restore our ruined fortunes, unaided by the funds heretofore shared by all, in proportion to economy, emulation, patrimony of each, and all must see that our new efforts deserve the encouragement of our king.

Jealous observers of all the respect due to crowned heads, and the mutual regard which civilized nations owe each other, we should despair, did our conduct seem to fail in either. There is nothing offensive to the court of Madrid in the exposure of our wants and the assurance of our love, which we bear to the feet of our august sovereign. We venture to hope that these marks of our zeal will also serve to prove to the nations, the truth of the surname well-beloved, which the whole world gives him, and which no monarch has hitherto enjoyed. Perhaps even at Madrid they will say: "Happy the prince, our ally, who finds an obstacle to his treaty of cession, in the inviolable attachment of his subjects to his rule and glorious person."

We know full well that the Spanish envoy before his departure obtained, and by his emissaries is still collecting, certificates from some individuals among us, mercenary clients whom he has won by brilliant promises, and who seek proselytes here by persuading the simple and alarming the weak. But whatever these unauthentic documents may contain, they cannot belie the general voice and public notoriety. The Genevese, English and Dutch merchants who witnessed the revolution, will relate the truth in their several countries; in a still more certain way will they attest the fact that our flag was raised without any insult to the Spanish frigate; that Ulloa embarked in all possible liberty and without any unbecoming act on our part; that then and since we have redoubled our attention and respect to the other officers of his Catholic majesty; that during the three days of the revolution (a singular and remarkable fact by the avowal of the Spaniards themselves), no cry of insult to their nation was heard amid the more than twelve hundred militia, and the women, children or whole people. The only cries heard, in which even foreigners joined, were "Vive le Roi de France," "Vive Louis le bien-aimé."

To his beneficent majesty then do we, the planters, merchants and colonists of Louisiana, address our humble petition, that he will immediately resume his colony, and as resolved to live and die under his beloved rule, as determined to

Let O'Reilly then cease to palliate his cruelty and barbarity, by cloaking himself by his orders from court.* They could

do all that the prosperity of his arms, the extension of his power, and the glory of his reign require, we beseech him to deign to preserve to us, our patriotic name, our privileges and our laws.

* Great doubts have, until recently, hung over the precise nature of the king's instructions to O'Reilly. Even Marbois, an able writer, and a statesman of acknowledged abilities, has followed the beaten track of previous writers in censuring the conduct and acts of O'Reilly. Gayarré is the only historian who has taken the trouble to examine this subject with any degree of care; and yet, he does not seem to have been able to procure a copy of the instructions to O'Reilly. It is more than probable they were suppressed. In the absence of them, however, he refers us to a letter, written by the Marquis of Grimaldi to the Count of Fuentes, then Spanish Ambassador at the Court of Versailles, which is the only document that appears to embody the substance of these instructions, except those published in the appendix to this work. * * * *

"The instructions given to O'Reilly," says Grimaldi, "is, that he is to take at Havanna the battalions of infantry, the ammunition and other materials which he might deem necessary, to transport himself to Louisiana, and after having taken possession of her in the name of his majesty, to have the heads of the rebellion tried and punished according to law, and then remove out of the colony all the individuals and families, whose presence might endanger its tranquillity. He is also ordered to provide for the military and police organization of the province; to establish the necessary rules for a correct administration of justice and of the finances; to secure the dependence and the subordination of the inhabitants, and to frame a new form of government—the whole, according to the verbal instructions which had, or might be given him. But as the king, whose character is well known, is always inclined to be mild and clement, he has ordered O'Reilly to be informed that his will is, that a lenient course be pursued in the colony, and that expulsion from it be the only punishment inflicted on those who have deserved a more severe one.

* * * *

"You will give an account of the whole of this letter to the Duke of Choiseul. You will beg that minister to invite his most Christian majesty to declare, that the said inhabitants of the colony being the subjects of the king, his cousin, must throw themselves upon his mercy, and live under his laws; the act of cession of the colony, being absolute, and without any obligation whatever on the part of the king."

"It would seem," says Gayarré, "from this document, that O'Reilly should have contented himself with having expelled from the colony those who had deserved a severer punishment—for instance, the pain of death. But were the instructions shown to the court and those *really* given to O'Reilly, of the same nature? That is the question. If O'Reilly received the instructions which are mentioned in the dispatch of Grimaldi, would he have dared to disobey them; and

not be sanguinary, and even had knavery circumvented the court, it was his business to draw down the Spanish king's anger on the man who had perilled the dignity of his station by not giving it due authenticity.

Let us banish from a work dictated by truth, the political maxim promulgated in a philosophical and enlightened age, a savage maxim, which less civilized nations have most sedulously rejected, but which Spaniards adopt with inexcusable blindness.

"Happen what will," says a certain writer, "the chief must never be wrong, and it is dangerous to think so." I shudder to think that a sensible man could even entertain such an extraordinary idea, which is even now repudiated by despotism itself. Ah! what would become of wretched man, if he should have to submit for ever to the caprices and cruelties of a barbarous tyrant, who has not the good sense to see the injustice of his acts. A government founded on injustice is weak in its foundation, and may be easily overturned;—respect is a feeble tie against the effects of cruelty. A people live tranquil and contented, when they know they have laws to protect them and obey without a murmur, if they do not have to dread the insolence of a superior. They also bear insults calmly, if assured the law will sooner or later avenge them. We then say boldly, nothing can screen an unjust governor, from the anger of the king, who has been appointed to com-

would he, when such strong appeals were made to him to save the lives of Lafrenière and his companions, have had the unblushing effrontery, on refusing that boon, to plead the orders of the king, and thus falsely throw upon his sovereign the odium of a measure which was contrary to the expressed will of the king?"

There can then be no doubt that O'Reilly obeyed to the letter, the instructions of the king, for we have, in evidence before us, the report of the Council and Chamber of the Indies approving, in the most pompous and sonorous Castilian phraseology, the acts and conduct of O'Reilly in Louisiana.

mand his subjects. Nothing then should have preserved Ulloa from the exemplary punishment, which the irregularity of his conduct deserved, and all should have induced the Louisianians to believe that the Spanish king would regard with other eyes the motives of their conduct; all induced them to believe that the French king would give them protection at the Spanish court; that he would insist on the rights of subjects, whose fidelity to him had exposed them to the wrath of a whole nation that believed itself insulted.

The world has beheld with surprise the silence of the French ministry as to O'Reilly's conduct, its neglect to exact reparation for his inhumanity, its silence as to the violation of the law of nations in pronouncing sentence on French subjects. Still more is Europe surprised to learn that the remnants of those wretched families, stripped of everything, languish* in silence and misery.

Is there then no beneficence, no humanity on earth? Assured of the contrary, let us say that till now the truth was unknown, the French ministry were deceived. May the faithful narrative which I now present to faithful souls, excite in them those feelings which honor humanity.

Generous and compassionate hearts! Let us mingle our tears with those of the wretched widows and orphans, whom those virtuous men commended to us, as they died for their king. Let us join our regrets to the sighs of those desolated families,

*The property of the prisoners were, in conformity with the laws of Spain, sequestrated from the time of their arrest. "I have," says O'Reilly, "given strict orders for the liquidation of said property in accordance with the laws, in order that what belongs to the widows and other creditors may be given to them, and the remainder delivered up to the king's treasury." Villéré, Mazan and Lafrenière, had three of the finest plantations in all the province. They were sold at auction for so inconsiderable a sum, that after paying costs and distributing among the widows and creditors the portions to which they were entitled, the Royal treasury had but little to receive.

and shudder over the evils to which virtue is exposed. Aid me to erect an altar to virtue ; be the pillars of that I have just erected ; pour into cold and inanimate hearts the fire which inflames you, and my feeble and powerful voice ; and let the cry of persecuted innocence rouse the numbed arm of justice.

O, Heavenly Power ! send forth the light of truth into the hearts of those raised up to protect it. Unveil iniquity to their eyes, unmask imposture. Let it tremble on the very steps of the throne, where it seeks to escape thy avenging hand, and let me in transports at the sight of thy justice exclaim : "There is then on earth an asylum for virtue, a support for that innocence, and no place where iniquity and crime can find a shelter."

APPENDIX

OF

HISTORICAL DOCUMENTS AND ELUCIDATIONS.

I.

Preliminary Convention between the Kings of France and Spain, for the cession of Louisiana to the latter.

THE most Christian king being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin, the Catholic king, proposes in consequence to act with his Catholic majesty at all times and in all circumstances, in a perfect uniformity of principles, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian majesty, being fully sensible of the sacrifices made by the Catholic king, in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian king has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic king, in the most authentic form, an act, whereby his most Christian majesty cedes in entire possession, purely and simply, without exception, to his Catholic majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New-Orleans and the island in which that place stands.

But as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic majesty, he has thought proper only to accept the said cession conditionally, and *sub spe rati*, [under expectation that it will be ratified,] until he receives the orders expected by him from the king, his master, which, if conformable with the desires of his most Christian majesty, as he hopes they will be, will be followed by the authentic act of cession of the said coun-

try; stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New-Orleans, by the subjects of his most Christian majesty, and for the possession of the same by those of his Catholic majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau, on the third of November, one thousand seven hundred and sixty-two.

THE DUKE DE CHOISEUL.

THE MARQUIS DE GRIMALDI.

(A true copy from the original.)

THE DUKE DE CHOISEUL.

II.

Definite act of cession of Louisiana by the King of France to the King of Spain.

LOUIS, by the grace of God, king of France and Navarre, to all to whom these presents shall come, greeting: Whereas our very dear and well-beloved cousin, the Duke de Choiseul, peer of our realm, knight of our orders and of the golden fleece, lieutenant-general of our armies, governor of Touraine, colonel-general of the Swiss and Grisons, grandmaster and superintendant-general of the posts and relays of France, our minister and secretary of state for the departments of war and marine and the correspondence with the courts of Madrid and Lisbon, did sign, in our name, with the Marquis de Grimaldi, knight of our orders, gentlemen of the chamber, in exercise of our very dear and well-beloved brother and cousin, the Catholic king, and his ambassador extraordinary near us, a preliminary convention, whereby, in order to give to our said brother and cousin a new testimonial of our tender friendship, of the strong interest which we take in satisfying him and promoting the welfare of his crown, and of our sincere desire to strengthen and render indissoluble the bonds which unite the French and Spanish nations, we ceded to him entire and perpetual possession of all the country known under the name of Louisiana, together with New-Orleans and the island in which that city stands, which convention had only been signed con-

ditionally and *sub sperati* by the Marquis de Grimaldi: and whereas our said brother and cousin, the Catholic king, animated by the same sentiments towards us which we have evinced on this occasion, has agreed to the said cession, and ratified the conditional acceptation made by his said ambassador extraordinary, which convention and ratification are here inserted word for word, as follows:

Don Carlos, by the grace of God King of Castile, of Leon, of Arragon, of the Two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Algesiras, of Gibraltar, of the Canary Islands, of the East and West Indies and the islands and main land of the ocean, archduke of Austria, duke of Burgundy, of Brabant and Milan, count of Hapsburg, of Flanders, of Tyrol, and of Barcelona, lord of Biscay and of Molina, &c.

Whereas, on the third day of the present month, the preliminaries of a peace were signed between the crowns of Spain and France on the one part, and those of England and Portugal on the other, and the most Christian king, my very dear and well-beloved cousin, purely from the nobleness of his heart, and the love and friendship in which we live, thought proper to dispose that the Marquis de Grimaldi, my ambassador extraordinary near his royal person, and the Duke de Choiseul, his minister of state, should on the same day sign a convention by which the crown of France ceded immediately to that of Spain the country known by the name of Louisiana, together with New-Orleans and the island in which that city stands, and by which, said ambassador agrees to the cession only conditionally *sub sperati*, as he is not furnished with orders to execute it absolutely; the tenor of which convention is the following:

The most Christian king being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin, the Catholic king, proposes in consequence to act with his Catholic majesty at all times and in all circumstances, in a perfect uniformity of principle, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian majesty being fully sensible of the sacrifices made by the Catholic king in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian king has accordingly authorized his minister,

the Duke de Choiseul, to deliver up to the Marquis de Grimaldi, the ambassador of the Catholic king, in the most authentic form, an act whereby his most Christian majesty cedes in entire possession, purely and simply, without exception, to his Catholic majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New-Orleans and the island in which that place stands.

But, as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic majesty, he has thought proper only to accept the said cession conditionally and *sub spe rati*, until he receives the orders expected by him, from the king, his master, which, if conformable with the desires of his most Christian majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country, stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New-Orleans, by the subjects of his most Christian majesty, and for the possession of the same by those of his Catholic majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau on the third of November, one thousand seven hundred and sixty-two.

THE DUKE DE CHOISEUL,
THE MARQUIS DE GRIMALDI.

Therefore, in order to establish between the Spanish and French nations the same spirit of union and friendship which should subsist as they do in the hearts of their sovereigns, I, therefore, take pleasure in accepting, as I do accept, in proper form, the said act of cession, promising also to accept those which may hereafter be judged necessary for carrying it into entire and formal execution, and authorizing the said Marquis de Grimaldi to treat, conclude, and sign them.

In testimony whereof, I have ordered these presents to be drawn up, signed by my hand, sealed with my privy seal, and countersigned by my counsellor of state and chief secretary of state and war. Given at San Lorenzo el Real on the thirteenth of November, seventeen hundred and sixty-two.

I, THE KING.

(Countersigned) RICARDO WALL.

The said acceptation and ratification having been approved by us, and regarded as a strong evidence of the friendship and good-will of our very dear and well-beloved cousin, the Catholic king, we renew and confirm by these presents, the cession of Louisiana and of New-Orleans, with the island in which that city stands, promising immediately to conclude with our said brother and cousin a convention, in which the measures to be taken in concert for executing and consummating this session to our mutual satisfaction will be fixed by common accord. In faith whereof, we have caused these presents to be drawn up, which we have signed with our hands, and have affixed to them our secret seal.

Given at Versailles, on the twenty-third day of the month of November, in the year of grace one thousand seven hundred and sixty-two, and of our reign the forty-eighth.

LOUIS.

(By the King) CHOISEUL, DUKE DE PRASLIN.

III.

The seventh article of the definite treaty of peace and unity between the King of France, Spain, and England, signed at Paris on the 10th of February, 1763 ; which is word for word, the same with the sixth article of the preliminary convention between the same powers, signed at Fontainebleau on the 3d of November, 1762.

ARTICLE 7 or 6. In order to re-establish peace on solid and durable foundations, and to remove forever all motives for dispute respecting the limits of the French and British territories on the American continent, it has been agreed that the limits between the states of his most Christian majesty and those of his Britannic majesty in that part of the world, shall hereafter be irrevocably fixed by a line drawn along the middle of the river Mississippi, from its source to the river Iberville ; and thence, by another line through the middle of that river, and of the lakes Maurepas and Pontchartrain, to the sea ; and for this purpose, the most Christian king cedes to his Britannic majesty, and guaranties to him, the entire possession of the river and port of Mobile, and of all that he possesses or should have possessed on the left bank of the river Mississippi, with the exception

of New-Orleans, and of the island whereon that city stands, which are to remain subject to France; it being understood that the navigation of the Mississippi River is to be equally free to the subjects of Great Britain and of France, in its whole breadth and extent, from its source to the sea, and particularly that part between the said island of New-Orleans and the right bank of the river, as well as the entrance and departure by its mouth. It is moreover stipulated, that vessels belonging to the subjects of either nation are not to be detained, searched, nor obliged to pay any duty whatsoever. The stipulations contained in the fourth article, in favor of the inhabitants of Canada, are to be of equal effect with regard to the inhabitants of the countries ceded by this article.

IV.

Note from the French Minister to the Spanish Ambassador.

VERSAILLES, April 21, 1764.

TO THE CONDE DE FUENTES:—*Sir*,—The king has caused the necessary orders to be issued for the surrender of the country of Louisiana, with New-Orleans and the island on which the said city stands, into the hands of the commissioner whom his Catholic majesty may appoint to receive them. I have sent the same papers to the Marquis D'Ossun, who will have the honor to present them to his Catholic majesty. Your excellency will see that the king's orders are entirely conformable with the acts signed in 1762, and that his majesty has caused some articles to be inserted, equally conducive to the tranquillity of the country after it is in possession of his Catholic majesty, and to the happiness of its inhabitants.

I have the honor to be, with great esteem, your excellency's most humble and obedient servant,

THE DUKE DE CHOISEUL.

V.

Commission of Don Louis de Unzaga y Amezaga.

DON CARLOS, BY THE GRACE OF GOD, &c.—Whereas, Don Alexandro O'Reilly, lieutenant-general of my royal armies, and inspector-general of all my infantry, under my commission in the province of

Louisiana, by a letter of December 10th, 1769, has represented to me, that in consequence of the order which I had deigned to send him, appointing you, Colonel Don Louis Unzaga y Amezaga, political and military governor of the city and province of Louisiana; he had put you in possession of your command, and had given you proper instructions for the performance of its duties, communicating the necessary orders to the treasury of the said city to make advances to you out of the sum of six thousand dollars assigned to that office; and that, until such assignment should receive my royal approval, you would remain responsible for all that you should receive of the same; and as there was yet no example in that city of the sum for which each governor was required to be accountable, as security for his proper administration, he had considered your salary as fixed at three thousand dollars, (taking into consideration the dependencies of that province,) and the amount of your security at the same; and in order that you might not be reduced to seek for an inhabitant of the city to become your security, you might leave a fifth part of your salary, each year, in the treasury, so that at the expiration of the five years of your governorship, the whole amount would be in my royal treasury; adding, that he also thought it proper you should be free from the duty of *media anata* as the office was but newly established; all which dispositions I approved by my royal order of March 24th, 1770. Moreover, having consulted my council and chamber of the Indies, on the 27th day of February of this year, I resolved to order this, my royal patent, to be issued in your favor, declaring you hereby exempt from the duty of *media anata*, as the office has been but lately established, and that the five years of your governorship are to commence on the day in which you took possession of the same, your security being arranged as determined by my said commissioner. It is, therefore, my will, that you, the said Don Louis de Unzaga y Amezaga, should be military and political governor of the city of New Orleans, and province of Louisiana; and I command the council, justices, and magistracy of that city, with the other judges and justices of the same, and of the province, that, after you shall have taken before that assembly the oath and obligation according to the statutes and customs of Spain, in the form established by the said Don Alexandro O'Reilly, to keep the said city and province in my royal name, and never to deliver nor to surrender it while you live, to any enemy or any person, unless coming with an order to that effect, signed by my

royal hand ; you should be left in exercise of the said office, for the said space of five years from and after the day on which you enter into possession of it, or as long as it may be my royal pleasure ; the forts, soldiers, ammunition, and artillery of the said province and city, being delivered up by those who may have them in charge, to be used and commanded by you in all cases and things pertaining thereunto ; you conducting the said military and political government, as your predecessor Don Antonia de Ulloa, captain in my royal navy, should have conducted it, and as the other political and military governors of my kingdoms in the Indies should ; remaining subordinate to my governor and captain-general of the island of Cuba, and city of Havana, in political and military matters, and in all other cases and things pertaining to the said office, conformably to the terms of one of the royal *cedulas*, which you will receive, bearing date on this day ; you will, therefore, in all cases and affairs which may present themselves, regulate your conduct by the orders which the said governors and captain-general may give you ; observing in all political and judicial concerns, the laws and proceedings of the courts, causing them to be fulfilled in all points, unless you may have orders to the contrary from me ; and you are not to interfere in the affairs of my royal hacienda, or the management of my royal treasury, in the said province and city ; because, as governor, you have no farther powers in such matters, than that of interposing through the royal officers, in cases of introduction of illicit goods and confiscations, and in visiting vessels arriving there, either yourself in person, or by your agents ; it being likewise your duty to devote yourself with especial zeal, purity and disinterestedness, to the defence and security of the province, and to the maintenance of the most perfect discipline among those in garrison, to the prevention of illicit trade, and to the faithful observance of my royal orders.

I moreover command the said council, justices and magistracy of the city of New-Orleans, and all others, ministers, sojourners and inhabitants thereof, and of the province of Louisiana, as soon as required by this my royal patent, to have, receive, and hold you as such military and political governor of the said province and city, for the whole period during which, as above expressed, it is my will that you should exercise this office ; preserving and securing to you, and to such deputies that you may appoint, according to the form established in another royal *cedula*, bearing date also this day, all

honors, favors, rights, privileges and immunities without exception, corresponding with the respective stations ; all such deputies and others in the said province, commandants, officers and soldiers, considering you as such military and political governor, and obeying the orders which you may give them in my royal service, either verbally or in writing ; and I command the royal officers of the said province to pay you, if they have not already done so, the six thousand dollars mentioned above, as your salary, for every year of your service, out of any funds which are or may be in my royal *hacienda*, on authentic presentation of this patent, with your receipt, which sums will be passed to your account for your satisfaction ; it being understood, however, that a fifth part of your said salary is to be annually retained as security for your administration. I declare, that for this favor, you are to pay no duty of *media anata*, inasmuch as the office you hold is one of recent creation. And note shall be taken of this patent, in the offices of the accountants-general of distribution of my royal *hacienda*, and council of the Indies, within two months after the date thereof, in default of which the same shall be void : note shall also be taken by the said royal officers, of the city of New-Orleans.

Given at San Ildefonso, this 17th of August, 1772.

(Signed) I, THE KING.

VI.

Commission of Don Bernardo de Galvez.

DON CARLOS, BY THE GRACE OF GOD, &c.—Whereas, in consideration of your merits, and of the especial services performed by you, Don Bernardo de Galvez, colonel of the stationary regiment of infantry of Louisiana, while acting as governor, *ad interim*, of that province, and in condescension to the desires of its inhabitants, I have thought proper, by my royal decrees of the 22d of April last, to declare you governor (*en propiedad*) of the same.

Therefore, it is my will, that you, the said Don Bernardo de Galvez should be political military governor of the city of New-Orleans, and province of Louisiana ; and I command the council, justices and magistracy of that city, with the other judges and ministers thereof, and of the province, that, after you shall have taken before that assembly *the oath and obligation, conformably with the*

statutes and customs of Spain, and according to the form established by Lieutenant General Don Alejandro O'Reilly, to keep the said city and province in my royal name, and not to deliver or surrender them, while you live, to any enemy, nor to any person whatsoever, unless he bring you an authority to that effect, signed by my royal hand, they shall leave you in the entire exercise of the office, which you held ad interim, for the space of five years, more or less, according to my pleasure. The forts, soldiery, ammunition and artillery in the said province, being delivered up to you by those who may have been charged therewith, to be commanded and employed by you, in all cases and things pertaining to them; you exercising the said political and military government in the same manner in which your predecessor, Don Louis de Unzaga y Amezaga did and should have exercised it, and as the other political and military governors of my kingdoms in the Indies, do and should exercise it; being subordinate to my governor, captain-general of the island of Cuba, and city of Havana, in military and political affairs, and in all cases and circumstances pertaining to the said office, according to the terms of the royal cedula of August 22d, 1772. You will, therefore, conform in all business and cases which occur, to the orders received from the said governor and captain-general; observing in affairs of politics and justice, the laws, and whatever else may emanate from the courts, causing them to be fulfilled in all particulars, unless where I shall have commanded to the contrary. And whereas, by virtue of the regulation issued by the said Don Alejandro O'Reilly, and since confirmed by my royal cedula of July 21st, 1776, you have a right to (oscompeten) the faculties of intendant of the said province, you are to manage the affairs of my royal hacienda there, in conformity with the said regulation, and as your aforesaid predecessor managed them; it being likewise your duty to devote yourself with the utmost zeal, purity and disinterestedness, to the defence and security of that province, and to the preservation of the most exact discipline, among the troops garrisoning it, as also to the extinction of unlawful commerce, and the punctual observance of my royal orders. I also command the said council, justices and magistracy of the said city of New-Orleans, and all other ministers, sojourners and inhabitants thereof, and of the province of Louisiana, that as soon as required by this my royal patent, they receive you as political and military governor of the said province and city, for the whole period above expressed, during which it

is my pleasure that you should exercise that office, giving and securing to you, as well as to the deputies (*tenientes*) whom you have appointed, or may appoint, all the honors, favors, rights, privileges and immunities without exception, which correspond to the respective stations, the said deputies, and others of the said province, commandants, officers, and soldiers, considering you as such military and political governor, and obeying all orders which you may give them, for my royal service, verbally, or in writing. And the accountant and treasurer of the said province is to give and to pay to you the sum of six thousand dollars, being the annual salary assigned to that office, from the day in which it is proved that you have entered into it, to the expiration of the said term of five years, more or less, according to my pleasure, out of any funds which are, or may enter into my royal *hacienda*, on due presentation of this patent, and of your receipt, without any other formality; which sum shall be put down to your account, for your satisfaction; it being understood, however, that as security for your administration, according to the form established by the said Don Alexandro O'Reilly, a fifth part of your said salary is to be retained in the royal treasury, in each of the said five years, the sum assigned as duty of *media anata*, for the said salary, being also secured thereon, by the commissary and accountant of said duty, according to the terms of the royal cedula, of the 24th of May, 1778, together with the 18 per cent, additional, for conveying the whole to these kingdoms, as set forth in the regulations of the tariff, and various others on the subject. And note shall be taken of this patent, in the offices of the accountants-general of distribution of my royal *hacienda*, and of my council of the Indies, within two months from the date thereof, otherwise it shall become void: note shall also be taken of the same, by the afore-mentioned accountant and treasurer of New-Orleans.

Given at Aranjuez, on the 8th of May, 1779.

VII.

Dispatch of the Marquis de Grimaldi to Don Louis Unzaga.

SAINT ILDEFONSO, August 24, 1770.

LIEUTENANT-GENERAL Don Alexandro O'Reilly, in his letter No. 33, from this city, dated March 1, sent me copies of the instructions

which he had drawn up, for the lieutenant-governor established in the Illinois and at Natchitoches, and the new special (*particulares*) lieutenants of the districts (*partidos*) of that province. He informed me, that he had himself been to Point Coupé, and, at the request of the inhabitants, had appointed a surveyor for each *partido*, at half the former salary. He also enclosed to me an instruction explaining the forms to be observed in this business, and declaring that the granting of land in that province had been confided by his Christian majesty to the governor and *comisario ordenator*; and he considered it would be better in future that the governor alone should be authorized by his majesty to make those grants; and that orders would be given for conforming entirely with the said instructions, which had been drawn up and printed, in the distribution of the royal lands.

The king having examined these dispositions and propositions of the lieutenant-general, approves them, and also that it should be you and your successors in that government only, who are to have the right to distribute (*repartir*) the royal lands, conforming in all points, as long as his majesty does not otherwise dispose, to the said instructions, the date of which is February 18th, of the present year.

I communicate this to you, in order that you may understand and carry it into effect. God preserve you many years.

Given at Saint Ildefonso, August 24, 1770.

(Signed) MARQUIS DE GRIMALDI.

VIII.

Royal Order to Don Pedro Garcia, Mayoral.

THE PARDO, January 28, 1771.

By decree of May 2d, 1765, I communicated to my council that I had appointed Captain Don Antonio de Ulloa, of my royal navy, to proceed to the province of Louisiana, which had been ceded by my cousin, the most Christian king, and take possession thereof, as governor, by virtue of warrants and instructions; making, however, for the time, *no innovation* in its system of government, which is to be entirely independent of the laws and practices observed in my American dominions; but considering it is a distinct colony, having even no commerce with the said dominions, and under the control of its own administration, council and other tribunals; its direction and

the correspondence with it being reserved to the minister of state, as far as regards the situation of the country, and the laws and customs with which its inhabitants are to remain conforming." *But those inhabitants having rebelled, on the 25th, 1768, I commissioned Don Alexandro O'Reilly, lieutenant-general of the army, and inspector-general of all my infantry, to proceed thither, take formal possession, chastise the ringleaders, and (informing me of all) establish the said government, uniting the province to the rest of my dominions; all of which he did, adapting its laws, and after proposing to me that which he judged proper for the commerce of the country, and for the extinction of the council by which it is governed, establishing a cabildo in the place of said council, and taking other measures, as will be seen from the statements hereunto annexed;—all of which were approved by me, as likewise the appointment of Colonel Don Louis de Unzaga y Amazaga, as political and military governor, with a salary of six thousand dollars, free from the duty of media anata, and of two royal officers, to take charge of the administration of my hacienda, to wit: Don Antonio Jose de Aguiar, as comptroller, (contador,) with a salary of 1600 dollars per annum; and Don Martin Navarro, as treasurer with 1,200 dollars per annum; and of three officers at salaries of 500, 400, and 360 dollars respectively. I have resolved, that all which has been established as above, should remain and continue fixed; the said province being, as to its spiritual concerns, annexed to the bishopric of Havana, and governed according to the laws of the Indies, and the regulations provided in them, and by special orders for my American dominions, by the ministry of the Indies and the council, as being incorporated with those of my kingdom; and also that it depend upon the captain-generalcy and administration of the royal hacienda of Havana, just as the government of Cuba does; for which purpose I approved the formation of a tribunal composed of the captain-general as president, and the auditors of war and marine; the attorney (fiscal) of the royal hacienda acting as attorney, and the clerk (escribano) of the government as clerk; to which tribunal these, my vassals, can appeal, and from it to the council, without being obliged to apply to the more distant audiencia of Santo Domingo. This shall be understood in the council, and in the chamber for its observance; and the cédulas shall be issued, and measures provided for carrying into effect what has been determined; I being consulted on all doubts, and on all amendments which may offer.*

Given at the Pardo, on the 28th day of January, 1771.

IX.

[*Report to the King, on Don A. O'Reilly's Statements.*]

COUNCIL AND CHAMBER OF THE INDIES, *February 27th, 1772.*

YOUR majesty communicated that you had appointed Don Antonio de Ulloa governor of Louisiana, which had been ceded by the most Christian king; and that in the instructions given to him, he was commanded to govern that province independently of the practice observed in America, and under the direction of the council of state; but that the inhabitants, ungrateful for this distinction, had risen up in rebellion—for which reason your majesty had commissioned Lieutenant-General Don Alexander O'Reilly to proceed thither, take formal possession, chastise the ringleaders, and establish such a form of government as would be most compatible with the condition of the country, its climate, and the character of its inhabitants.

Your majesty was pleased then to notify the council of the energy, promptness, and activity, with which Don Alexander O'Reilly had executed these difficult charges; and that the measures he had taken were all so just, and so well adapted to the right intentions of your majesty, that they had merited your entire approbation; and that for their being carried into effect, you had commanded the proper *cedulas* to be issued, yourself being consulted on all doubts and amendments which might present themselves.

The council, entering into the spirit of the royal decree, has examined with scrupulous attention all the dispositions of the said Don Alexander O'Reilly, with all his orders, and proceedings in Louisiana; to which effect it has referred to all the documents accompanying the said decree, viz.: the *cedula*, by which his commission was given, with power to take possession of said province, and six statements, made by him; together with six draughts of royal orders, approving the same—the whole drawn out at length.

O'Reilly sets forth in his *first* statement, that the province of Louisiana cannot subsist without trade, its inhabitants requiring flour, wine, oil, arms, ammunition, and all sorts of clothing; in exchange for which, they could give indigo, cotton, skins, Indian corn, rice, and especially woods, which could be sold to great advantage in Havana, if that port were opened to free trade with Spain, with the understand-

ing, however, that the productions of the province should pay no duty on entering Havana; nor any *alcabala* or export duty be laid on goods leaving that port for Louisiana; that all vessels belonging to the colony should be admitted as Spanish into Havana, and all other ports of Spain, with the restriction, however, that no vessel be admitted into New-Orleans, or employed in transportation, unless it be Spanish, or belonging to the province; that vessels arriving from Catalonia with red wine, should take away wood and other articles to Havana, and thence carry sugar; that, for just reasons, he had expelled from Louisiana the English merchants who were established there, and who ruined and impoverished the country by their monopolies and illicit trade; for which he hoped to receive your majesty's approbation.

He merited such approbation in reality, as appears from the royal order accompanying; and the council having heard the opinions of the attorneys and comptrollers general, declares, that the measures set forth in the said statement, by General O'Reilly, are so proper and so well calculated to render that province happy, that they alone are sufficient to show the profoundness of his comprehension, the sublimity of his spirit, and the correctness of his judgment; that there is nothing which should be altered in them; and in those measures, it can see the germ of many improvements, and much that may conduce to the advantage and prosperity of the colony.

The council, however, considers, that it is not proper to exempt forever from duty goods transported from Louisiana to Havana, but only for a time, and until the motives for such an extraordinary favor shall have ceased. Your majesty is to resolve, also, whether they shall pay the duty of *amozarifazgo*; and, upon the whole, it is the opinion of the council, that proper *cedulas* should be issued for carrying into effect the system of commerce, as proposed by the said O'Reilly.

General O'Reilly, in his second statement, considers it necessary that the said province should be subject to the same laws as the other dominions in America; and that all the proceedings should be carried on in the Spanish language; that a new tribunal should be created, composed of judges understanding both languages, the appeals from which should not be carried to the *audiencia* (a higher court) of Santo Domingo, with which the province has but little intercourse, but to Havana, where a tribunal should be established for the pur-

pose, composed of the governor, the auditors of war and marine, the attorney of the royal *hacienda*, and the clerk of the government; and from which they should come to the council. Finally, that the government of Louisiana should be dependent on the captain-generalcy and ministry of the royal *hacienda* of Havana.

Your majesty approved these dispositions of O'Reilly, and the council, considering this as an evidence of the advantages to be derived, admires the measures of the said general, which prove the vastness of his genius, and that the establishment proposed by him is so far worthy of being made, that the necessary *cedulas* should be issued to the ministers of Havana and New-Orleans, regulated in all points according to your prudent orders, but with the condition, that the intendants of the royal *hacienda* and marine are to have voice and votes in the new tribunal to be formed in Havana.

O'Reilly, in his *third* statement, declares that he has chosen six *regidores*, or magistrates of New-Orleans, to form a municipal council (*cabildo*), two ordinary *alcaldes*, a syndic attorney-general, and a superintendent of public property (*Mayordomo de Propios*); giving the names of these persons, and annexing two principal copies of instructions—the one for the regulation of the *cabildo*, and the instruction of its members—the other for the direction of the judges; that in the said *cabildo*, he had put Don Luis de Unzaga in possession of the government, and had abolished and suppressed the old council; that he assigned more proper salaries to the *regidores*, clerk, and assessor, and made arrangements for building a house of *ayuntamiento* (meeting of the municipal body), by a person to whom he had ceded the proprietorship of the land destined for the government garden; and that as funds for the city, he had assigned certain duties on shops, taverns, gaming houses, &c., the arrangements respecting which were received by the inhabitants with great satisfaction; that there had been long established in that capital, a duty, under the denomination of *anchorage*, destined for the preservation of the levy; and as repairs were constantly required, he had made no innovation either in the duty or in its destination. Finally, that the appointments of *regidores*, clerk, &c., as well as the assignment of funds for the city, merit your majesty's approbation to their firm establishment.

Your majesty has given this approval, and the council respects so wise a resolution; admiring in O'Reilly the energy with which he has proceeded in matters which were out of his ordinary employ-

ment and sphere ; in his provisions for the civil, economical, and political government, nothing has been found requiring amendment or addition ; moreover, in both undertakings, there appears a delicate knowledge, and acute discernment of the laws of both kingdoms, as well as of the practical and the forensic styles of our courts. The council, therefore, conceives that proper *cedulas* should be issued, for the formal establishment of these excellent provisions, it being also ordered that some copies of the digests (*Recopilacion*) of the laws of the Indies, and of Castile, be sent to the colony, and deposited among the archives of the *ayuntamiento*, in order that the natives of the country may instruct themselves in the form of our government, more minutely than they can from the manual drawn up, with such discretion, by the said general, inasmuch as the latter, though very clearly and methodically expressed, is only an abridgment or compendium.

O'Reilly declares in his *fourth* statement, that conformably with your majesty's resolution, he had put Don Luis de Unzaga in possession of the political and military government, with a salary of six thousand dollars, from which are to be discounted one-fifth as security, to be restored to him when his term of office expires ; it appearing proper that he should be freed from the duty of *media anata*, as the office was one of recent creation.

These dispositions, also, merited your majesty's approval ; and the council is of opinion that the *cedula* should be made out ; conformably with what is proposed by the said general, who, in these, as well as in other provisions, has acted with the most consummate policy.

With this *fifth* statement he sent a minute regulation, in which he detailed all the expenses of your majesty in that province, and which were considered necessary, under present circumstances, taking into view the commerce, genius, character, climate, and the causes of the late difficulties among the colonists ; he showed that he had reduced the number of persons employed in the comptroller's office, and in the public store, without any detriment to the prosecution of business in either office ; that eighteen priests, understanding both French and Spanish, were required for the parishes of the country ; and that supposing the spiritual affairs to remain under the direction of the bishop of Havana, that prelate might direct some friars of the community of Saint Francis, at that city, to learn the French language,

in order that these missions may at all times be filled ; and that if your majesty approved the enclosed regulation, 130 dollars a year would be saved of the 250 with which the colony was endowed.

Your majesty also approved all that had been proposed and done by the said general ; and the council considers that it justly merited the royal approval, nothing appearing among the provisions which does not conduce to the interests of your majesty, and the happiness of the colony. It sees, by the admirable arrangement of pay and destination, which he has proposed in the military and political classes, the treasury gains 130 dollars, which advantage is due to the 'comprehensive and indefatigable genius of the commissioner.

The council also is of opinion that the commissioners should be sent, as proposed, and that the proper *cedulas* should be sent, for both purposes, as also for the establishment, as your majesty ordains, of public schools, in which the first principles of the Christian doctrine may be taught in the Spanish language, in order that the use of the same may be extended. The council hopes your majesty will have sent to him a copy of the contracts to be made with the director and masters of public schools, and the salaries to be paid to the friars, while studying, in order that they be transmitted to the comptroller-general, to be included in the accounts of Louisiana.

In the sixth and last statement, he informs your majesty that he had appointed a lieutenant-governor for the district of Illinois, Natchitoches, &c., and giving instructions for the purpose of putting an end to illicit commerce, preserving good order, and maintaining the provisions of the supreme government ; he also encloses copies of the said instructions, adding that the colonists had admitted the regulations with good will, and they were likely to secure their affections for the sovereign under whose mild government they lived ; that in order to complete this, he had gone himself into that distant province, visiting each village, listening to the colonists, and deciding in their disputes and complaints, without the embarrassing forms of forensic proceedings ; that he had caused the lands of the inhabitants to be surveyed, fixing the limits, and subjecting this distribution to the forms contained in a paper accompanying ; that he considered it proper that grants of lands to the colonists should, in future, be made by the governor alone ; your majesty first authorizing him to make these grants ; and that they should be regulated according to a paper which O'Reilly caused to be drawn up, in a meeting (*junta*) called for that

purpose, and composed of the persons best acquainted with the affairs of the colony.

Your majesty deigned to approve the provisions of this last statement, as well as those of all the preceding ones, except the article relating to the punishment of adulterers, which was ordered to be left in suspense. And the council considers, that in a commission so troublesome and difficult, and which, from the number of intricate matters embraced, met with numerous obstacles, and demanded a high degree of method and order, Don Alexandro O'Reilly has had the good fortune to be right in all cases, and to arrange things with so much prudence, that (provided his plans are suffered to continue) all will infallibly be conducted for the best interests of both their majesties. He has caused the new power under which the colonists are placed, to be loved and respected; he has enforced justice and the laws; has protected and extended commerce; has established harmony and concord with the neighboring Indians; has ordered and placed troops at convenient positions, disciplining them with that skill which is so remarkable even among the many extraordinary qualities of this general officer; nothing has escaped his comprehensive penetration. The particular employments of persons destined for the public service—utensils to be distributed to the troops—the formation of various companies of militia, and their duties—and in a word, all that belongs to the political and military government of that province, has been disposed by this general with so much accuracy, prudence, and wisdom, that the council finds nothing requiring the slightest amendment; but, on the contrary, many things worthy of its admiration and praise, which it justly bestows; all of which, it appears to the council proper that your majesty should approve, and that royal *cedulas* should be issued conformably with the representations, instructions, and notices of this commissioner.

The chamber represents to your majesty, that at the same time the *cedulas* are sent, the royal will be expressed to the bishop of Cuba, that he, in exercise of his new jurisdiction and pastoral ministry, promote all that may conduce to the spiritual government and good of those parishes, and that he give account of what occurs, as well as of what he considers necessary for the improvement.

Determined March 23, 1772, thus:

“Let the above be carried into effect, and the proper *cedulas* be issued by the council, for the confirmation of those establishments, in all their points.

X.

ORDINANCES AND INSTRUCTIONS OF DON ALEXANDER O'REILLY,

Commander of Benfayan, of the order of Alcantara, Lieutenant-General of the armies of His Majesty, Inspector-General of Infantry, and, by commission, Governor and Captain-General of the province of Louisiana.

THE prosecutions which have been had in consequence of the insurrection which has taken place in this colony, having fully demonstrated the part and influence which the council have taken in those proceedings, countenancing, contrary to duty, the most criminal actions, when their whole care should have been directed to maintain the people in the fidelity and subordination which are due to their sovereign; for these reasons, and with a view to prevent evils of such magnitude, it is indispensable to abolish the said council, and to establish in their stead that form of political government and administration of justice prescribed by our wise laws, and by which all the states of his majesty in America have been maintained in the most perfect tranquillity, content, and subordination. For these causes, in pursuance of the power which our lord, the king (whom God preserve), has been pleased to confide to us by his patent, issued at Aranjuez, the 16th of April, of the present year, to establish in the military police, and in the administration of justice and of his finances that form of government, dependence, and subordination, which should accord with the good of his service and the happiness of his subjects in this colony: We establish, in his royal name, a city council or cabildo, for the administration of justice and preservation of order in this city, with the number of six perpetual regidores, conformably to the second law, title 10, book 5, of the Recopilacion de las Indias; among whom shall be distributed the offices of alferes royal, alcade mayor provincial, alguazil mayor, depository general, and receiver of penas de camara, or fines for the use of the royal treasury; these shall elect, on the first day of every year, two judges, who shall be styled alcaldes ordinary, a syndie procurador general, and a manager of the rents and taxes of the city; such as the laws have established for good government and the faithful administration of justice. And as the want of advocates in this country, and the little knowledge which his new subject possess of the Spanish laws, might render a strict observance of them difficult, and as every abuse is contrary to the intentions of his majesty, we have thought it useful, and even necessary to form an abstract or regulation drawn from the said laws, which may serve for instruction and elementary formulary in the administration of justice and in the economical government of this city, until a more general knowledge of Spanish language may enable every one, by the perusal of the aforesaid laws, to extend his information to every point thereof. In consequence

whereof, and with the reserve of his majesty's good pleasure, we order and command the justices, cabildo, and their officers, to conform punctually to what is required by the following articles :

SECTION I.

Of the Cabildo.

1. The cabildo, at which the governor shall preside, or, in his absence, the ordinary alcalde, who shall have the first voice, shall assemble at the city hotel on the first day of every year, and proceed to the election of ordinary alcaldes and the other officers above mentioned ; it shall also assemble every Friday, for the purpose of deliberating on all that may concern the public welfare. The syndic procurator-general shall propose in these assemblies what may appear to him for the welfare of the colony. One or two regidores shall immediately after inform the governor, if he has not presided, of the resolutions that have been taken ; and, except in pressing cases when the cabildo for very important reasons may assemble at the governor's dwelling, it shall not assemble in any other place than the city hotel ; under the penalty, to the officers who compose it, of being deprived of their employments.

2. In urgent cases, which cannot be deferred until the usual day of meeting, the regidores may hold an extraordinary sitting ; they shall be notified to that effect by one of the door-keepers of the cabildo ; and if any one of the members shall not have been notified, the resolutions which may have been taken shall, if he shall challenge the same, be void ; as also in case the majority should not have been notified, even if those who have not been notified shall not object thereto. No assembly shall ever be held but by order of the governor, and the assistants shall keep a profound silence in respect to the subject upon which the assembly may have deliberated.

3. The regidores shall have an active voice in the elections, as well as the alcaldes of the preceding year, who shall remain in the cabildo until the election of their successors shall be confirmed, and they shall have been received. The alcalde, however, who, in the absence of the governor, shall exercise the functions of president, shall not have an active voice ; and so soon as the elections shall have been determined, the secretary of the cabildo shall give information thereof to the governor, who alone may decide on the validity of the opposition made by any member to the persons elected to the municipal offices, and confirm the alcaldes and other officers.

4. The office of alcalde should be given to capable persons who may have the information necessary to fill worthily a charge so important. They shall have a house in the city, and shall reside therein. Those who

are employed in the militia may be named to those offices; and they may also be given to the regidores, whose employments may not be incompatible with those places.

5. The alcaldes, and the other elective offices of the cabildo, cannot be continued in their employments but when all the members without exception shall have given their votes for their continuation. Without this condition, they cannot be re-elected until two years after they shall have quitted the distinguishing badge of their office.

6. Neither the officers of the finances, those who are indebted to the said finances, the sureties of either the one or the other, those who have not attained the age of twenty-six years, nor the new converts to our holy faith, can be elected to the said offices.

7. The election being confirmed by the governor, the door-keepers shall deliver tickets from the escribano to the elected, notifying them to attend at the hall of the assembly, in order to take the oath prescribed by law; the form of which will be found annexed to this regulation, and to be received and put in possession of their offices.

8. The escribano of the government will keep a book entitled "Resolutions," in which he shall record the elections and decisions of the assemblies, ordinary and extraordinary; and which shall be signed by all the judges and members who may have assisted thereat.

9. The regidores cannot give their votes for the said offices in favor of their father, son, brother, step-father, son-in-law, step-son, or step-brother, of their wives, although they may be elected by all those who shall be entitled to vote.

10. Whenever the cabildo shall deliberate upon an affair which may personally regard a regidor, or other officer of the cabildo, or even any one of his kindred, or for other particular reasons which might induce a suspicion of partiality, he shall withdraw immediately, and shall not return until the affair shall have been decided.

11. All decrees, royal provisions, and dispatches, which may be addressed to the corporation either by the governor or other authorized minister, shall be opened in the cabildo only, where they shall be recorded, and the originals preserved in the archives of the said cabildo.

12. In case of the death or absence of one of the ordinary alcaldes, the alferes royal shall exercise the duties of that office during the time that they may be wanting to complete the year of him who may be deceased or absent; and, if two alcaldes should be wanting at the same time, the other place shall fall of right to the senior regidor, provided he does not hold in the cabildo any office incompatible with that employment, as is specified in the present regulation, under the heads of those several offices.

13. Whenever the regidores may assist in a body, they shall preserve the order following, as also in the cabildo, viz: the alferes royal shall

take the first place; the alcaide mayor provincial the next; the alguacil mayor, and the other regidores, according to their rank and their seniority.

14. Each regidor, according to his rank, and by turns, shall be charged with the maintenance of the municipal ordinances, and the other dispositions of government for the public good. He shall attend to the prices of provisions, exacting the fines, and putting in force the penalties incurred by the delinquents.

15. Whenever there shall be the question of augmenting the price of meat, with which this city is abundantly and constantly supplied, the cabildo, at a public bidding, shall adjudge the contract to him who shall oblige himself to furnish it on the best terms and for the greatest advantage of the public.

16. The cabildo shall have cognizance of appeals from sentences pronounced either by the governor, or by the ordinary alcaides, where the sum does not exceed 90,000 maravedis; which must be understood as extending only to causes wholly civil, for in criminal cases the appeal must be made to the superior tribunal, which his majesty will have the goodness to appoint, in consequence of my representations to him on that subject.

17. To legalize similar appeals, the cabildo shall name two regidores who, in quality of commissioners, and after having taken the oath, shall decide on the justice or injustice of the sentence from which an appeal is made, conjointly with the judge who may have pronounced the same. The nomination shall be made so soon as the cabildo shall be required thereto by the appellant; the form of which, and of the institution of the said appeal, will be detailed in their places.

18. In the first ordinary assembly which may be held after that for the elections of each year, the cabildo shall name two regidores to receive the accounts of the mayor-domo de proprios of the preceding year of the sums which he may have received for account of the city, and of the expenditures by order of the cabildo for the objects to which those sums are destined. They shall have those accounts rendered with the greatest exactitude, and shall oblige the said mayor-domo to deliver up immediately to his successor the residue of the said account; the said regidores being responsible for the total thereof when the said accounts shall be settled by one of the principal officers of finance.

19. Although the application and expenditure of the proprios for the objects to which they are destined belongs to the cabildo, it cannot, even in extraordinary cases, dispose of more than 3,000 maravedis thereof; and when a greater expenditure may be necessary, the consent of the governor must be previously obtained, without which the said cabildo cannot assign either salary or allowance upon any occasion whatsoever.

20. The electors in the two jurisdictions being responsible for the injury and detriment which the public may sustain by the bad conduct and in-

capacity of the elected for the administration of justice and the management of the public interests, should have for their only objects in the election of ordinary alcaldes and the other officers the service of God, the king, and the public; and, to prevent an abuse of that great trust, their choice should be directed to those persons who shall appear most suitable for those offices, by the proofs they may possess of their affection for the king, their disinterestedness, and their zeal for the public welfare.

21. The cabildo is hereby informed that it should exact from the governors, previous to their taking possession, a good and sufficient surety, and a full assurance that they will submit to the necessary inquiries and examinations during the time they may exercise their employments; and that they will pay what may be adjudged and determined in that respect. This article merits the most serious attention of the cabildo, who is responsible for the consequences which may result from an omission or neglect of exacting those securities from the governor.

22. The offices of regidor and escribano of the cabildo may be sold; those officers shall also be allowed to assign them in the manner prescribed by the laws of this kingdom. In acknowledgment of this favor, and in consideration of the value that these offices will acquire by the facility of assigning them, by which they will be effectively transferred from one person to another, there shall be paid into the royal treasury, for the first assignment, one-half the sum at which the said offices may be rated, and one-third of the same for every subsequent assignment thereof, exclusive of the royal custom of half annats, (receivable without any deduction in Spain; which custom shall also be paid by the ordinary alcaldes who may be yearly elected to those offices.

To render these assignments valid, the assignor should survive the same the term of twenty days, computing from the date thereof; and the assignee should present himself to the governor within seventy days from the date of the same, provided with an authentic act substantiating the said assignment, as likewise the above mentioned twenty days that the assignor shall have survived the same. Should neither of these precautions be taken, the assignor shall forfeit the said office, which shall be deemed vacant to the profit of the king's demesne; and neither he nor his heirs can lay claim to any portion of the price at which the same may have been sold.

25. The said assignments shall not be valid, unless made in favor of persons known to be capable, of the age of twenty-six years, and possessing the capacity and talents necessary to the common good of the republic, and worthy of the cabildo, on account of the injury which would result therefrom should those officers be deficient in these qualifications. The said assignments shall be carefully executed and preserved by a public notary of the place at which they may be made.

SECTION II.

Of the Ordinary Alcaldes.

1. The ordinary alcaldes shall have cognizance of all matters in dispute, either civil or criminal, between inhabitants residing within their jurisdiction, which shall extend throughout the city and the dependencies thereof, excepting those which may come within the cognizance of the ecclesiastical, military, or other special court.

2. The ordinary alcaldes cannot interfere in affairs of government, which come exclusively within the jurisdiction and competency of the governor.

3. In all matters on which the cabildo may deliberate, the ordinary alcaldes, who may assist thereat, shall, during their year of office, have an equal vote with the regidores.

4. The alcaldes shall appear in public with decency and modesty, bearing the wand of royal justice—a badge provided by law to distinguish the judges. When administering justice they shall hear mildly those who may present themselves, and shall fix the hour and the place of the audience, which should be at 10 o'clock in the morning, at the city hotel; and for the decision of verbal causes, in the evening between 7 and 8 o'clock, at their own dwellings, and in none other.

5. One of the principal objects of justice being to prevent, effectually, those disorders which take place during the night, one of the alcaldes, assisted by his alguazils and the escribano, should go the rounds of the city; and, in case a greater force should be necessary, they may not only demand it from those persons who may be present, but also from the corps-de-garde nearest thereto.

6. It is also the duty of the ordinary alcaldes to keep a watchful eye upon fornication, and to punish the same, and all other public offences, conformably to the laws; of which a sufficient detail will be given herein.

7. The alcaldes may hear and decide verbally in civil cases, when the demand shall not exceed twenty dollars, as also in criminal causes of little importance. They may also hear and decide verbally those which may exceed that sum, in case the parties interested shall consent thereto.

8. Causes legally brought before one of the judges shall be continued and determined in his tribunal, and neither the governor nor any other shall deprive him of the cognizance thereof. The governor, however, being required thereto by the parties, nay, by an order in writing, and suitable to the case, require and summon the alcalde to render speedy justice, conformably to law.

9. In cases of controversy, with respect to jurisdiction, between the governor and one of the alcaldes, or between these last, where one of them may claim the cognizance of a cause instituted with the other, either by reason of the said cause having been also instituted in his tribunal, or his

supposing the same exclusively within his jurisdiction, they shall draw up a *procès-verbal* of the said controversy, in which they shall set forth their pretensions in a grave and judiciary style. The case shall remain in suspense until the decision of the superior, whom they shall be bound to consult, and to whom they shall deliver an exact copy of the proceedings, unless one of the judges may give way to the claim of the other, and thereby put an end to the said controversy. If, however, in the interval of the decision, one of the judges should proceed in, or take the last cognizance of, the aforesaid cause, he shall forfeit his claim to the same, which shall be immediately vested in the other.

10. If one of the parties pleading shall except against the *alcalde* who may have already taken cognizance of a cause, he shall not continue the same but in conjunction with the other; and, if this last should also be excepted against, he shall associate himself with a *regidor*, who shall take an oath to do his duty impartially, and to terminate the cause according to law, and as speedily as possible. Whatever may be done by the *alcalde* alone, after he may have been excepted against, shall be void, and have no effect. The oath taken by the party to the written act of exception, that he is mistrustful of the *alcalde*, shall be sufficient to render the same valid; but, if the party shall purpose to exclude him entirely from the cause, besides the aforesaid oath, he shall make known and substantiate the ground on which he relies for the support of his pretensions. If the judge should be related, even in the fourth degree, to the adverse party, or in such habits of friendship with him as to excite a suspicion of partiality, or prepossessed against the exceptor, in all these cases he shall be excluded from the hearing of the cause in controversy, which shall be committed to the other *alcalde*.

11. Two referees appointed, one by the *alcalde*, and the other by the exceptor, after being sworn to execute their office impartially, shall determine whether the case be of the nature before mentioned; and, if of the said nature, they shall exact the entire exclusion of the *alcalde* therefrom; and, if a difference should arise between the referees, a third, named by the judge, shall decide therein; which decision shall be indispensably binding.

12. The diversity of cases not permitting a special detail of the forms of proceeding therein, the *alcaldes* shall be guided by the formulary hereunto annexed; and shall consult with the counselor, to be appointed for that purpose, upon all doubtful cases which may occur in their practice, or which may not be provided for by the said formulary; and shall approach, as nearly as possible, to the spirit of our laws for the administration of justice.

13. The ordinary *alcaldes*, accompanied by the *alguazil mayor*, and the *escribano*, shall, every Friday, make the visitation of the prison. They shall examine the prisoners, the causes of their detention, and the time

of their imprisonment. They shall release the poor who may be detained for their expenses, or for small debts; and the jailer shall not exact from them any release fee. The alcaldes may not set at liberty any of the prisoners detained by order of the governor, or of any other judge, without their express consent.

14. They cannot release those who are imprisoned for debts due to the domain; nor for fines imposed by law, unless the sum due shall be previously deposited.

15. The governor, with the alcaldes, the alguazil mayor, and the escribano, shall, yearly, on the eves of Christmas, Easter, and Pentecost, make a general visitation of the prisons, in the manner prescribed by the laws of the Indies. They shall release those who have been arrested for criminal causes of little importance, or for debts, when the debtors are known to be insolvent; and shall allow them a sufficient term for the payment of their creditors.

SECTION III.

Of the Alcalde Mayor Provincial.

1. The regidor alcalde mayor provincial shall bear the rod of justice, and shall have cognizance of crimes committed in the inhabited places without the cities and villages. Thefts, robberies, carrying away of property by force, rapes, as also treason, assaults, accompanied by wounds, or followed by death, setting fire to or burning down houses or crops, and other crimes of this nature, shall be within the competency of the said alcalde mayor provincial.

2. He may also take cognizance of the aforesaid crimes, although committed in cities, when the offenders have quitted the same, and have withdrawn to the country with their plunder; as also of murders or assaults committed on officers while in the exercise of their duties, or in the interval thereof, if the same are the effect of malice. If, however, the governor, or one of the ordinary judges of the city, shall have previously taken cognizance thereof, the alcalde mayor provincial shall not interfere therein, by reason that the jurisdiction of the same is vested in the ordinary alcalde. The judge, however, who shall have apprehended the offenders, shall have the preference therein, even if the others should have preceded him.

3. Whenever it shall be known that the crime does not concern the tribunal of the Saint Hermandad, the alcalde mayor provincial shall refer the cognizance of the same to one of the ordinary alcaldes, without waiting until he may be required thereto.

4. The alcalde mayor provincial shall see that travelers are furnished

with provisions at reasonable prices, as well by the proprietors of plantations as by the inhabitants of the places through which they may pass.

5. The principal object of the institution of the tribunal of the Saint Hermandad being to repress disorders, and to prevent the robberies and assassinations committed in unfrequented places by vagabonds and delinquents, who conceal themselves in the woods, and attack travelers and the adjacent inhabitants, the *alcalde mayor* provincial should assemble a sufficient number of the commissaries or brothers of the St. Hermandad to clear his jurisdiction of those kinds of people, by pursuing them with spirit, seizing or putting them to flight.

6. For the purpose aforesaid, and conformably to the usage of the other Indian provinces within the domain of his majesty, the *alcaldes mayores provinciales*, their commissaries, and the brothers of the St. Hermandad, shall have the right of arresting, either within or without the city, all runaway negroes and fugitives, and may exact a reasonable fee therefor; which right shall not be vested in any other person save the master of the fugitive slave.

The said fee is so much the more just, inasmuch as the *alcalde mayor* provincial, to comply with his duty, must, at his own expense, travel through the unfrequented places, for the benefit of the inhabitants.

7. The said officer shall render speedy justice in all matters within his competency, and from his judgment there shall be no appeal; otherwise it would be impossible to remedy the consequences that would result therefrom. But, on the other hand, his judgments shall be pronounced in strict conformity with the spirit of the laws, to which end he shall consult some lawyer; but, in the interim, he shall be guided by the instructions herein contained, which relate to the administration of justice and the forms of proceeding.

8. This office of the Hermandad being created with a view to prevent those disorders which may be committed in unfrequented places, the *alcalde mayor* should make frequent excursions from the city. This duty consequently renders his employment incompatible with that of ordinary *alcalde*, to which he cannot be elected, unless he shall have previously obtained permission of the king, to commit a lieutenant, appointed by himself, the duties of the St. Hermandad.

9. The said officer, and his lieutenants, should take an oath, of the form annexed to this abridgment; he shall account to the governor for the appointments he may have made, and shall notify him of the judgments he may have pronounced, to the end that the same may be put into execution. Although this formality is not prescribed by any law, yet it is necessary for the purpose of preserving harmony and subordination, and for the purpose of procuring assistance.

10. In all controversies, with respect to jurisdiction, which may occur between the tribunal of the St. Hermandad and any other tribunal of the

province, the parties shall conform punctually to the instructions which have been given in the particular article, which relates to the ordinary *alcaldes*. The instructions which have been given in relation to exceptions against judges, should also be strictly followed, as no altercation should take place on that subject between these officers.

SECTION IV.

Of the Alguazil Mayor.

1. The alguazil mayor is an officer charged with the execution of sentences and judgments rendered, as well for payments ordered, taking possession of goods for sale, and imprisonments, as for the punishment of crimes. He cannot be elected ordinary *alcalde*, unless he shall have appointed a lieutenant to discharge his duties, in the manner prescribed to the *alcalde mayor provincial*.

2. Recovery of moneys upon writs of execution, orders for taking possession of goods, and seizures of real property, shall be carefully executed by the alguazil mayor, he taking the fees allowed by law, and fixed by the tariff included in the present regulation.

3. The alguazil mayor shall also have the superintendence of the prisons, shall commission the jailers and keepers of prisons, after having presented them to the governor, that he may judge of their capacity for those offices, under the penalty of being deprived, for one year, of the right of nominating the same; which right shall, for that term, be vested in the governor. All the jail fees which the prisoners may pay, shall be for the use of the alguazil mayor.

4. The said officer cannot appoint as lieutenants any persons but such as are known to be suitable for those employments, who are young, and do not exercise any mechanical profession; they shall be presented to the governor, and approved by him, and shall take the oath required. The alguazil mayor cannot appoint to the said office either the relations or domestics of the judges and officers, but he shall be allowed to change the said lieutenants, when he may have just reasons therefor.

5. The alguazil mayor and his lieutenants shall go the rounds, and shall visit the public places, both by night and day, to prevent noises and disputes, under the penalty of being suspended from their offices, and payment of the damages that may result from their negligence. They shall arrest, without other authority, the offenders, and shall give immediate information thereof to the *alcaldes*. They shall not tolerate unlawful games, nor public and scandalous offences. They are also hereby informed that, although they have the power of arresting any one without other authority, they may not release the same, under the penalty of being deprived of their offices, and being declared incapable of holding any other.

6. The alguazil mayor shall conform strictly to the articles which relate to the prisons, and to the tariff which specifies the fees which are demandable. He shall also assist with the judges ordinary at the visitations of the prisoners, which shall be made at the times prescribed by this regulation.

SECTION V.

Of the Depository General.

The depository general, whose duties are incompatible with those of a judge, cannot be elected ordinary alcalde, unless he may name a lieutenant, who may be charged with the care of the deposites.

2. Before entering upon the said office, the depository general shall give good and sufficient sureties, who shall answer for the safety of the deposites, and who shall be approved by the governor, the alcaides, and the cabildo. This surety shall be recorded in the book to be kept by the escribano of the cabildo, for the recording of the deposites; in which he shall inscribe the day, month, and year, of the said surety.

3. The governor, the alcaides, and the cabildo, shall carefully examine the books, which exhibit the sureties of the depository general, the state of his property, and that of the said sureties, which shall be certified by the escribano of the cabildo, in order that the same may be verified the succeeding year, and the necessary order taken thereon.

4. If, by the said examination, it shall be found that the situation of the depository general, or of his sureties, be such as to excite apprehension, they shall prevent him from exercising the duties of his office, until he shall have rendered his accounts, and given a better security.

5. The depository general shall deliver on the first order the sums which may have been deposited with him, in the same coin in which he received them; to which the judges, and other officers competent thereto, should pay particular attention.

6. The depository general shall record the deposites in a book similar to that of the escribano of the cabildo; he shall receive for the same, and for deposit fees, three per cent., as explained in the commission which he has received for the exercise of his office.

SECTION VI.

Of the Receiver of Fines.

1. The receiver of fines (whose duties are incompatible with those of ordinary alcaides) shall have cognizance of all matters in relation thereto, as also of those imposed by the judge; of which last he shall keep and render an account, having for that purpose a book similar to that kept by

the escribano for the same object; in which they shall be entered according to date.

2. For the safety of the balance of the account rendered by the receiver of fines, he shall give good and sufficient sureties, in the same manner as the depositary general. Examination shall be yearly made into the situation of the said sureties, which shall be changed if they become less substantial.

3. To the end that the receiver may fully discharge the duties of his office, and a certain knowledge be acquired of the funds in his possession, the escribano, in whose presence the fines shall have been paid, shall advise the escribano of the cabildo of the same, who shall enter them in a book, the leaves of which shall be marked by the governor. After which, the escribano of the cabildo shall inform the receiver thereof, who, by these means, will at once perceive the amount of the sums which he ought to receive; and the book of the cabildo will serve to make him render an account of the sums which are entered therein.

4. The receiver of fines cannot employ the proceeds thereof without the order or permission of his majesty, by reason that the same being the property of his majesty cannot be removed without his approbation. He shall dispose of that portion of them only which have been imposed by the judges in conformity to the orders he may receive, and not otherwise.

5. The receiver shall discharge, out of the aforesaid portion of fines, the drafts which may be drawn by the governor, the alcaldes, and the other judges, who shall restrain themselves to the sums which may be necessary.

6. The said receiver shall render a yearly account of the sums he may have received and paid in the execution of his office. His account shall be settled by the officers of finance appointed thereto in this province.

7. He shall be allowed a commission of ten per cent. on all sums which may be recovered and received by himself, or by those commissioned by him, for the recovery thereof.

SECTION VII.

Of the Procurator General.

1. The procurator general of the republic is an officer appointed to assist the public in all their concerns, to defend them, pursue their rights and obtain justice, and to pursue all other claims which have relation to the public interest.

2. In consequence thereof, the procurator general, who is appointed solely for the public good, shall see that the municipal ordinances are strictly observed, and shall endeavor to prevent every matter or thing by which the said public might suffer.

3. For these purposes he shall apply to the tribunals competent thereto, for the recovery of debts and revenues due to the city funds, in quality of attorney for the city. He shall pursue causes with the activity and diligence necessary to discharge him from the responsibility in which he would be placed by the slightest omission.

4. He shall see that the officers of the council or cabildo discharge strictly the duties of their offices; that the depositary general, the receiver of fines, and all those who are to give sureties, shall give such as are good and sufficient; and in case of deterioration thereof, he shall demand the renewal, conformably to law.

5. He shall be present at, and shall interpose in, the direction of lands, and other public matters, to the end that nothing unsuitable or injurious may occur in the distribution of the same.

SECTION VIII.

Of the Mayor-domo de Proprios.

1. The mayor-domo de propios shall have the management of, and shall receive all that is comprised within the denomination of city funds; he shall give receipts to debtors, and shall record all sums which he may receive, as also the expenditures he may make for account of the cabildo, in order that he may be able to render his accounts so soon as his year of office shall expire.

2. He shall discharge the drafts of the cabildo upon the rents of the city, and none other. He shall abstain from furnishing or lending any sums to any individuals whatever, under the penalty of being responsible therefor, and of being declared incapable of holding any office in the colony.

3. The construction and keeping in repair of bridges, within and without the city, shall not be defrayed out of the city funds; this expense shall be borne by those who shall enjoy the benefit thereof, amongst whom the same shall be proportioned in the manner pointed out by law.

4. Whenever any public work shall be undertaken, either by the cabildo or by individuals, care shall be taken that the same be substantial and durable. A regidor shall be named for that purpose, who, without any requital, shall inspect the said undertaking.

5. The expense of public mourning for the royal family shall be defrayed from the city funds, with all the economy which the cabildo can adapt to these circumstances.

SECTION IX.

Of the Escribano of the Cabildo.

1. This officer shall preserve in his archives all the papers which may concern the cabildo, or its proceedings. He shall inscribe in a book all the

securities and deposits which have relation to the depositary general; and, in another book, those which relate to the receiver of fines. He shall, also, keep a third book for guardians and their sureties, ordinary and extraordinary, in which he shall also record the patents and commissions granted by his majesty, and shall take care to preserve the originals in the archives of the cabildo.

2. The escribano of the cabildo shall never suffer any paper or act to be removed from his archives; and if the judges should be obliged to have recourse to the same, he shall furnish them a correct copy thereof, but shall never part with the original.

3. The said escribano of the cabildo, and of the government, shall note at the foot of all acts and instruments of writing, and copies of the same which he may deliver, the fees which he has received therefor, under the penalty of forfeiting the same, and of incurring the other penalties established, to prevent him from exacting more than is allowed by the tariff.

4. The escribano of the cabildo and of the government shall inscribe, in a separate book, the mortgages upon all contracts which may be made before him or any other; he shall certify, at the foot of each deed, the charge of mortgage under which the sale or the obligation may have been made, conformably to the intention of the law, in order to prevent the abuse and frauds which usually result therefrom.

5. The regidores, the escribano, and all those who may succeed to any of the venal offices established by the laws of the Indies, are hereby informed that the royal ordinances require, that within the term of five years, computing from the date of their commission, they must obtain his majesty's confirmation, and present the same to the governor of the city or province in which they reside, under the penalty of being deprived of the said offices.

SECTION X.

Of the Jailer and the Prisons.

1. The jailer shall be appointed by the alguazil mayor, and approved by the governor, before entering on the duties of his office. He shall also be presented to the cabildo to be received, and to take an oath to discharge faithfully the duties of the said office, to guard the prisoners, and to observe the laws and ordinances established in this respect, under the penalties therein declared.

2. The said jailer must not enter upon the duties of the said office, until he shall have given good and sufficient sureties in the sum of two hundred dollars, which sureties shall warrant that no prisoner detained for debt shall be released without an order from the judge competent thereto.

3. The jailer shall keep a book in which he shall inscribe the names of

all the prisoners, that of the judge by whose order they have been arrested, the cause for which they are detained, and the name of those who may have arrested them. He shall reside in prison, and for each considerable fault committed by him he shall pay sixty dollars, applicable one half to the royal chamber, and the other half to the informer.

4. It is the duty of the jailer to keep the prison clean and healthy, to supply it with water for the use of the prisoners, to visit them in the evening, to prevent them from gaming or disputing, to treat them well, and to avoid insulting or offending them.

5. It is likewise the duty of the jailer to take care that the female prisoners are separate from the men; that both of them are kept in their respective apartments, and that they are not worse treated than their offence deserves, or than is prescribed by the judges.

6. With respect to his fees, the said jailer shall confine himself strictly to those which are established; he shall take none from the poor under a penalty of the value of the same. He may not, without incurring the same penalty, receive any gratification either in money or goods. He shall avoid entirely either playing, eating, or forming any intimacy with the prisoners, under the penalty of sixty dollars, applicable, one-third to the royal chamber, one-third to the informer, and the remaining third to the poor prisoners.

Form of the oath to be taken by the governors, the alcaldes, and the other judges, when taking possession of their offices :

Don N., elected governor, or alcalde, &c., (according to the employment or office,) I swear before God, the holy cross, and the evangelists, to uphold and defend the mystery of the immaculate conception of our lady the Virgin Mary, and the royal jurisdiction to which I am attached by my employment. I also swear to obey the royal ordinances and the decrees of his majesty, faithfully to discharge the duties of my office, to decide according to law in all cases which may come before my tribunal; and for the more certain attainment thereof, I promise to consult with such as are well informed in the law, whenever opportunities may occur in this city; and, lastly, I swear that I will never exact other fees than those fixed by the tariff, and that I will never take any from the poor.

At NEW-ORLEANS, November 25, 1769.

DON ALEXANDER O'REILLY.

Printed by order of his excellency François Xavier Rodriguez, escribano of the expedition.

Instructions as to the manner of instituting suits, civil and criminal, and of pronouncing judgments in general, in conformity to the laws of the Nueva Recopilacion de Castilla, and the Recopilacion de las Indias, for the government of the judges and parties pleading, until a more general knowledge of the Spanish language, and more extensive information upon those laws may be acquired: digested and arranged by Doct. Don Manuel Joseph de Urrutia, and the counsellor Don Felix Rey, by order of his excellency Don Alexander O'Reilly, Governor and Captain General of this province, by special commission of his majesty.

SECTION I.

Of Civil Judgments in General.

1. It must, in the first place, be observed, that in causes civil or criminal, of any nature whatsoever, persons belonging to any religious order may neither appear, nor make any demand without the permission of their superior. This permission is equally necessary to the son, whose father be living, and whose consent must be obtained; to the slave, who may not act without the consent of his master; to the minor, who must be authorized by his tutor, who may be chosen by himself at the full age of fourteen years, or appointed by the judge, when of an age less advanced; to the wife, who must obtain the permission of her husband; and, lastly, to lunatics and idiots, who must be represented by the curator appointed by law to take care of their persons and property.

2. It must also be observed, that the consent of the father is not necessary to the son, when pleading in his own name for the recovery of property or rights acquired by his services in war, which are styled *castrenses*, or by particular gratification from the prince; or lastly, of those he may have acquired by some public employment, which are styled *quasi castrenses*. But in the case where the son shall demand a maintenance or wish to be emancipated, he shall previously obtain the permission of the judge, by reason of the consideration and great respect due to a father, or other superior. The slave is also allowed the same course of proceeding towards his master, if the latter, in the exercise of his authority, shall exceed the bounds prescribed by law, in which case the slave is entitled to require either his liberty or to be sold. The wife may, also, without the consent of her husband, require her dowry, if he shall be on the point of squandering the same; or an alimony, in the case of separation or ill-treatment.

3. He who may purpose to institute an action at law for a sum exceeding one hundred livres, shall commence the same by a petition setting forth the fact, and the motives upon which he proceeds; he shall also specify whether his demand be for the proceeds of some sale, for money

lent, or other similar claim, with every circumstance necessary to the elucidation of the case, and for the information of the judge. He shall conclude by requiring either the return of the money, if lent, or the payment of his demand, and the condemnation of the adverse party to the payment of costs, if he shall unjustly maintain the contrary.

4. The said petition shall be signed by the party or by his proxy, and shall then be presented to the judge, who shall cause the same to be communicated to the party against whom the demand may be made, which proceeding shall have the validity of a citation. The defendant shall make his defence within nine days, computing from the day on which he may have been notified of the demand. He shall draw up a counter-declaration in answer thereto, which shall contain such arguments as tend to defeat the claim of the adverse party, if the same be not founded, and shall make his defence in the manner observed by the plaintiff in his introductory petition (*requete*).

5. If the defendant does not answer within the nine days, the plaintiff shall require judgment by default, by a writing setting forth that the delay has expired; and moving that, no answer having been made, the defendant be condemned by default; and that, consequently, his claim be reputed acknowledged and sufficiently established.

6. If, on the contrary, the defendant shall answer within the nine days, and shall allege that he is not bound to defend the suit as to the merits thereof, by reason that judgment in the case is not within the competency of the judge who has taken cognizance of the same, that the plaintiff cannot plead in his own name, that the term of his engagement has not yet expired, or other similar exceptions, communication thereof shall be made to the plaintiff that he may reply, within six days, thereto. Upon his replication the judge shall decide whether the cause shall be defended as to the merits thereof; in which case, without admitting an appeal, the said cause shall be tried on the merits thereof.

7. But if the defendant, without producing any similar exceptions, shall set forth pleas tending indirectly to admit the demand, as by alleging that the thing demanded has not become due, that the same has been already paid, or any other pleas, supported by vouchers, which may be admitted before the putting of the cause at issue, the effect of which pleas would discharge him from the demand, the same shall be communicated to the plaintiff, to reply thereto: a copy of which reply shall be delivered to the defendant for a rejoinder to the same; after which the judge shall require the documents, and shall proceed to give judgment.

8. If the fact contested should be admitted to proof, as being doubtful, the same shall be determined within eighty days, at furthest; during which delay the parties shall furnish their proofs, and shall summon each other reciprocally to attend to the administering of the oath to the witnesses.

9. The testimony of the witnesses shall be so secretly given that neither of the parties shall have knowledge of the depositions of his own witnesses, nor those of the adverse party. The term to which the cause may have been continued having expired, one of the parties shall move that by reason of the said expiration the testimony of the witnesses be made public. This motion shall be communicated to the other party, who shall consent thereto, or if he shall not reply to the same, he shall be condemned by default in the manner observed, when one of the parties does not reply to the plea of the other. The judge shall order the publication of the said testimony, and the deliverance thereof to the parties; observing that the same be first delivered to the plaintiff, that he may, if necessary, strengthen the same.

10. The testimony being made public, should the plaintiff find the witnesses of the defendant inadmissible, as being either his enemies, or the intimate friends or relations of the defendant, or for other causes which may weaken the faith which would otherwise be due to their testimony, he shall draw up a declaration in which his exceptions shall be specified, after taking an oath that he has no intention of offending them; which oath shall be notified to the defendant, who may in reply state his exceptions to the witnesses of the plaintiff. The said exceptions shall then be put to the proof, and forty days may be granted therefor, or one half of the term allowed for the taking of the testimony in the principal cause.

11. When the term allowed for the admission of proof of the exceptions shall have expired, the publication of the testimony, as in the principal cause, shall not be allowed, but the documents shall be delivered to the plaintiff, that he may set forth his proof; and if he shall establish that the same is more complete than that of the adverse party, a copy thereof shall be given to the defendant, upon whose reply, or in default thereof, the judge shall declare the controversy determined. He shall then order, that the parties await the final decision, which must be given within twenty days, computing from the day on which he may have required the documents in the cause. He shall attentively examine the said documents, and determine the suit by condemning the debtor to payment, or by discharging him from the demand, according to the merits of the case.

12. If judgment be given for a sum not exceeding 90,000 maravedis, an appeal to the cabildo may be taken within five days, computing from the day on which the parties may have been notified of the sentence. If the judgment given be for a greater sum, an appeal shall lie to the tribunal, that may be appointed by his majesty, in consequence of the representations which have been made to him on that subject. A brief explanation of the manner in which this recourse may be had, will be given at the conclusion of these instructions.

13. If no appeal shall be lodged within the five days allowed, the party, who may have obtained judgment in his favor, shall draw up a writing,

by which he shall move, that no appeal having been taken within the legal delay, the judgment be considered definite; and that, in pursuance thereof, execution be ordered; a copy of which shall be given to the adverse party; and on his reply, or in default thereof, the judge shall pronounce both on the validity of the judgment and the expiration of the delay; after which he shall order that the sentence take effect, and be put into execution.

SECTION II.

Of Executory Proceedings.

1. When a debt shall be fully established, and it imports a confession of judgment, as by an agreement or obligation made before a notary; by a simple note, legally acknowledged by the drawer; by confession of judgment, although without any written title from the debtor; by a definite sentence of the court, or by the cash books of the debtor acknowledged by him; in all these cases the creditor shall draw up a declaration setting forth his claim and his action, annexing thereto the document which entitles him to an order of execution, and moving that by virtue of the said document, a writ of execution be granted him for the sum due, as also the tenth and the costs which may be allowed. He shall observe that his declaration contains the oath that the sum demanded is certain, due, and ought to be paid by the debtor.

2. The judge shall examine if the document which entitles the creditor to a recovery imports a confession of judgment; and, if such be the case, he shall order immediate execution, by addressing an order in writing to the alguazil mayor, directing him to summon the debtor to pay the demand, or, in default thereof, his property shall be seized to the value of the same, with the tenth and the costs.

3. By virtue of the said order, the alguazil mayor shall summon the debtor; if he complies, the execution shall cease. If otherwise, his property shall be seized and held in custody by the depositary general; unless he shall give good and sufficient security for the payment of the sum in which he is condemned by the sentence. But if he shall not give the security aforesaid, or if he has not property sufficient, he shall be imprisoned, unless exempted therefrom by the privilege of nobility, which is also enjoyed by the military, regidors, officers of finance, women, lawyers, physicians, and other distinguished persons. The alguazil mayor shall note, at the foot of the writ, his proceedings thereon, as also the day and the hour of his executing the same.

4. The property being seized, the creditor shall, by another writing, move that the same be valued by two capable persons, on whom the parties may agree, and that public notice be given that the sale thereof will

be made after the usual delay, according to the nature of the property. The said delay shall be of nine days' duration, for personal property, with a public notice every three days; and of thirty days' duration, for real property, of which notice shall be given every nine days; but, if the debtor shall consent, the said notices need not be given.

5. The said term being expired, and public notice being given, the creditor shall require that the debtor definitively summoned to make opposition, and to prove that the sum demanded is not due or has already been paid. In pursuance thereof the debtor shall be definitively summoned, if he has not previously opposed, which he might do, during the time of the seizure, or of his detention in prison.

6. If the debtor shall not make opposition, within three days, computing from the day on which he may have been definitely summoned, he shall be attached by default; but if he shall make opposition, he shall be ordered to prove his exceptions within ten days at furthest, which shall be common to both parties to prove the justice of their pretensions in the manner which to them may seem best.

7. During the said delay, the proofs offered by the two parties shall be received, and they shall cite each other reciprocally to attend at the administering of the oath to the witnesses, in conformity to the provision of section 1, Nos. 8 and 9, for civil judgments in general; with this difference, however, that the said delay may be prolonged at the request of the creditor, in which case the debtor shall enjoy the benefit of the said prolongation.

8. The term allowed having expired, no further proof shall be allowed save the confession of the party; and the documents shall be returned to the creditor that he may set forth his right, of which a copy shall be given to the debtor. Upon his reply, or in default thereof, the judge shall require the documents, and shall proceed to give judgment.

9. He shall examine with attention if the exceptions made by the debtor are just, and more fully established than the claim of the plaintiff; and, if such be the case, he shall discharge him from the demand instituted against him. He shall order the restoration of his property, and shall condemn the plaintiff to the payment of the costs.

10. If, on the contrary, the debtor has not proved his exceptions, and the sum demanded be found legally due, the judge shall declare the seizure to be valid, and shall order the fourth and last public notice of the sale to be given, and the adjudication of the property to the highest bidder, and that from the proceeds of the same the demand of the creditor be fully discharged, as also the tenth and the costs. The creditor shall, however, be held to give security in the amount of these sums, to answer in the event the sentence should be annulled by a superior tribunal.

11. This sentence shall be carried into execution notwithstanding appeal, but shall not prevent the party who may have been aggrieved from appealing to the cabildo, provided the sum does not exceed 90,000 mara-

vedis, otherwise the appeal must be made to the superior tribunal, to be hereafter appointed by his majesty.

12. Definitive judgment being pronounced, the day for the fourth and last notice of the sale of the property seized shall be appointed. On the said day the sale shall be made in the presence of the parties, who shall be legally summoned to attend; and the amount of his demand shall be paid to the creditor, who shall give the security aforesaid; the tenth shall be paid to the alguazil mayor, and the costs and expenses to the other officers, in conformity to the regulations of the tariff.

13. It must be observed, that, if the debtor discharges his debt within seventy-two hours after the seizure is pronounced to be valid, the tenth shall not be demanded; but in default thereof, the payment of the same cannot be dispensed with; and on this account it has been heretofore declared indispensably necessary to note the day and the hour of the proceedings in the seizure.

SECTION III.

Of Judgment in Criminal Causes.

1. When information shall have been obtained of any crime, such as homicide, robbery, &c., having been committed, if no prosecutor shall appear, the judge shall officially draw up a *proces-verbal* containing the knowledge he has acquired of the said crime, and shall order an inquiry to be made into the circumstances of the same; as, for example, in the case of homicide, he shall cause the body to be examined by one or more surgeons, who shall declare whether the wounds have been mortal or otherwise; they shall set forth in what place and in what situation the body was found, and with what instrument it appears that the crime has been committed. In the case of robbery, an examination will be made, and the escribano shall detail and certify the marks of violence on the house or the furniture, indicating that said crime has been committed. The same statement of facts shall also be made in all crimes: a formality which is the basis of judicial proceedings, and without which the criminal cannot be prosecuted. The judge shall, at the same time, order that the information be taken and the witnesses heard.

2. When the party injured shall bring forward a complaint, he shall commence by a petition, containing a correct and brief exposition of the fact, and requesting an examination into the circumstances of the crime, in the manner before mentioned, and also that a summary inquiry may be made into the truth of the facts set forth in his petition. The judge shall take order on the said petition in the following words: "Be it done as is required."

3. The judge shall make the said inquiries in person, unless unavoidably prevented; in which case he may intrust the same to the register

If, however, the crime be established, and the criminal unknown, every inquiry, search and examination necessary to obtain a knowledge of the said criminal shall be made.

4. When the inquiries have been made, verifying the crime, and the criminal is known, if two witnesses appear, or one witness of credit, joined to other circumstances, proving him to be the offender, the judge shall direct the body of the said aggressor to be taken into custody, as also an inventory of his property to be taken, and the sequestration of the same in the hands of the depositary general.

5. If the criminal has not been arrested, by reason of either absence or concealment, the judge shall direct that, as it appears by the report of the alguazil, the said criminal has not been arrested, he be cited by public proclamation, three times repeated, in the manner following.

6. The accused shall first be cited to appear and deliver himself up within nine days; of which, the judge shall direct the escribano to certify that the term has expired, if the jailer affirm that the offender has not appeared. In consequence of the said certificates, which shall be annexed to the documents in the cause, the accused shall be condemned to the penalty of contumacy; and the judge shall direct that he be again cited to appear within the aforesaid term of nine days. On the expiration of this second delay the escribano and jailer shall certify as before; after which the judge shall issue an order for his arrest, and direct the publication of the same, as also the continuance of the proclamation aforesaid. These last nine days being expired, the escribano shall again certify thereto, and the jailer shall affirm that the accused has not appeared at the prison. The judge shall then declare him fully convicted of contumacy; and if there be no prosecutor, a procurator fiscal shall be appointed to take the necessary steps in the case; but if there be a prosecutor, the cause shall be committed to him that he may proceed therein as he may think best, in order to bring the same before the tribunal, in which provisional judgments are given, and the criminal is cited as if he was present. The proceedings shall then be continued until the definitive sentence either in favor of or against the accused be pronounced.

7. If, however, previous to, or after the sentence, the accused shall present himself at the prison, the cause shall be instituted anew, and the defence of the accused shall be heard with attention; and upon what the prosecutor or the procurator fiscal may set forth in opposition thereto, the previous sentence shall be either confirmed or annulled, according to the documents reproduced on the trial.

8. If the criminal be taken after the order for his arrest has been issued, and the *proces-verbal* concluded, the judge shall direct the jailer to certify that the accused is in prison, and the said judge shall, in person, commence the examination by demanding his name, age, quality, profession, country and residence. If he be under twenty-five years of age, he shall

be enjoined to choose a guardian; and, upon his refusal to do so, the judge shall appoint some one for him, by reason that the said examination cannot proceed without the presence and authority of the said guardian.

9. In the said examination the judge shall charge the accused with the crime, pursuant to the testimony given, and shall propound such questions as may tend to the disclosure of the circumstances of the same.

10. The examination concluded, the witnesses both for and against the accused, shall be heard within the shortest delay possible; which, however, if necessary, may be extended to eighty days, as allowed in civil causes in general. During this delay, the accused on one side, and the prosecutor, or the procurator fiscal, (in default of a prosecutor) on the other, shall produce their proof in the manner provided in civil causes; and although these proofs should be private, as also the re-examination of the witnesses, they may communicate to each other the documents in the cause in order to the necessary arrangement of their proceedings.

11. The witnesses being re-examined, and the delay allowed having expired, one of the parties shall require that the testimony be made public. This demand shall be communicated to the other party, by a copy thereof, upon whose answer, or in default thereof, the judge shall direct the publication of the said testimony. The documents shall then be delivered to the prosecutor, or to the procurator fiscal, that he may bring his accusation in form, and allege the sufficiency of the proof.

12. The accusation being made, conjointly with the declaration of the sufficiency of the proof, a copy thereof shall be given to the accused, that he may in defence set forth whatever he may think in favor of his cause. When the said defence shall have been made, the pleadings shall be considered as concluded, and, consequently, the cause in a state to be determined.

13. If it should happen that one or both of the parties except to the witnesses produced, they shall proceed in the manner pointed out under the head of civil causes in general, and shall conform precisely to the instructions therein given for similar cases. After the decision on the said exception has been made, the determination of the cause shall not be delayed; but the judge shall require the documents, and cite the parties for the definitive sentence.

14. The accused being convicted of the crime, as being fully established on the trial, or by some other proof, in conjunction with his own confession, he may be condemned to the penalty provided by law for the same. The said condemnation shall also take place when two witnesses of lawful age and irreproachable character shall depose that of their certain knowledge the accused has committed the crime; but when there shall appear against the accused but one witness, and other indications or conjectures, he shall not be condemned to the penalty provided by law; but some other punishment shall be inflicted as directed by the judge,

with due consideration of the circumstances which may appear on the trial; this state of things requires the greatest circumspection, as it must always be remembered that it is better to let a criminal escape than to punish the innocent.

15. After all these precautions, the judge shall pronounce sentence; and although in criminal causes an appeal should not be admitted, yet if the judge shall have doubts, or from some difficulties on the trial he shall think it advisable to submit the same to the examination of a superior tribunal, execution shall be suspended, and this second instance shall be conducted as in civil causes.

SECTION IV.

Of Appeals.

1- When judgment has been given for a sum or an object, the value of which exceeds ninety thousand maravedis, an appeal may be taken by the party who thinks himself aggrieved, directly to the tribunal to be hereafter appointed by his majesty; and when the said appeal shall have been lodged, communication thereof shall be made to the adverse party, who may plead against the merits of the same; that is to say, whether the sentence shall be suspended or executed, notwithstanding appeal. To determine this point, the judge shall demand the documents, and after examining the same shall pronounce either for or against, as he shall think; and in urgent and particular cases, such as dowry, alimony, or others of a similar nature, in which appeals should not lightly be admitted, he shall order execution. In this class are also comprised criminal causes, unless such circumstances should occur as cited at the conclusion of the preceding paragraph; in which case execution must be suspended until the superior judge has examined the same, and confirmed the sentence pronounced.

2. If the appeal be admitted, the second trial shall be conducted in the manner following: The judge shall direct the delivery of the documents in the cause to the appellant, that he may declare in what consists the grievance of which he complains; by which is meant that he shall set forth in argument the injury he would sustain by the execution of the sentence, which, for one or more reasons, is not in conformity to the provisions of the law in similar cases, and concluding by moving that the same be annulled. A copy of this declaration shall be given to the other party to reply thereto and confute the arguments of his adversary, by setting forth those tending to prove that the sentence has been pronounced in conformity to law. The judge shall then direct that after having transcribed the documents in the cause, at the expense of the appellant, the originals be transmitted to the tribunal, in which the appeal is to be tried. He shall summon the parties to hear the transcripts compared with the

originals, as also to appear in person, or by proxy, at the tribunal to which the said appeal shall be carried, within the delay that may be allowed, according to the distance of the same from this province. The said delay shall commence from the day on which the first registered vessel shall sail from this port for the place where the superior tribunal shall be established; the judge having previously ordered the delivery on board the said vessel, of the original documents aforesaid. He shall inform the appellant, that if, within the delay allowed, he shall not prove that he appeared before the said tribunal with the original documents, he shall fully and indisputably forfeit his appeal, and that the execution of the sentence shall consequently be ordered on the first requisition of the adverse party. If, however, the appellant shall establish the loss of the vessel in which his documents were embarked, or of the one in which he had transmitted the vouchers of his having appeared at the superior tribunal within the time prescribed; or, in short, any other impediment which may discharge him from the aforesaid obligation, the appeal cannot be declared to be abandoned; but on the contrary, a further delay shall be granted; and if the originals have been lost, copies thereof shall be delivered to him, that he may prove his appearance and compliance with whatsoever has been required.

3. In the case of a judgment for a sum not exceeding 90,000 maravedis, exclusively of the costs, the appeal shall be made to the cabildo of this city, and the same shall be conducted in the manner following: Within five days computing from the day of the signification of the sentence, the appellant shall present his petition, which shall be delivered to the register to annex his certificate thereto; on sight of which the cabildo shall appoint two regidores, in quality of commissioners, to decide on the cause of appeal, conjointly with the judge who pronounced the sentence. The said commissioners shall be bound to accept the said appointment, and shall take an oath that they will impartially discharge the duties of the same.

4. The said document with the certificate shall be delivered to the escribano in the cause, who shall institute and pursue the appeal. The document shall be delivered to the appellant, that he may deduce and set forth his grievance in the manner explained in the second paragraph; which shall be done within fifteen days at furthest; and communication thereof shall be made to the other party, that he may reply thereto, within a further term of fifteen days; so that within thirty days from the appointment of commissioners the cause shall be ready for determination. It must be observed that the aforesaid term of thirty days cannot be prolonged, even with the consent of both parties.

5. The pleadings being concluded in the manner prescribed, the escribano shall, within two days, deliver the documents to the judges, who shall examine the same, and give judgment within ten days, computing

from the expiration of the thirty aforesaid, annulling or confirming, augmenting or diminishing, the previous sentence, as they may think just. After the expiration of the aforesaid ten days, judgment cannot be pronounced; or, if given, the same shall be void; and the first sentence shall take full effect, and be executed according to the tenor thereof.

6. If a majority of the three judges appointed shall accord in opinion, their sentence shall be valid and conclusive, and an appeal to any other tribunal shall not be admitted; but the judge who pronounced the first sentence shall cause the second to be executed so soon as the documents shall have been delivered to him for that purpose.

SECTION V.

Of Punishments.

1. He who shall revile our Saviour, or his mother, the most holy Virgin Mary, shall have his tongue cut out, and his property shall be confiscated, applicable, one half to the public treasury, and the other half to the informer.

2. He who, forgetting the respect and loyalty which every subject owes to his king, shall have the insolence to vilify his royal person or that of the queen, the hereditary prince, or of the infants, their sons, shall be punished corporally, according to the circumstances of the crime; and the half of his property shall be confiscated to the profit of the public or royal treasury, if he have legitimate children; but if he have none, he shall forfeit the whole; applicable, two-thirds to the public treasury, and the other third to the accuser.

3. The authors of any insurrection against the king or the state, or those who, under pretext of defending their liberty and rights, shall be concerned or take up arms therein, shall be punished with death, and the confiscation of their property. The same punishments shall also be inflicted on all those, who may be convicted of lèse-majesté, or treason.

4. Whoever shall outrage another either by wounds, cuffs, or blows with a stick, shall be punished as the judge may think suitable to the case and to the rank both of the offender and the offended. But if the abuse consists only in words, and the aggressor be not noble, the judge shall exact the retraction of the same, in the presence of himself and other persons, and shall, moreover, condemn the said aggressor to a fine of 1,200 maravedis, applicable, one-half to the public treasury, and the other half to the party offended. If the aggressor be of rank, or enjoys the privileges of nobility, he shall be condemned to a fine of 2,000 maravedis, applicable, as aforesaid. The judge, however, may in lieu of the same, inflict any other punishment which he shall think suitable to the rank of the parties and the nature of the outrage. If no blood has been spilt,

nor complaint made by the offended, or if he shall desist from prosecuting the same, the judge shall not interfere therein.

5. He who shall ravish a girl, a married woman, or a widow of reputable character, shall suffer death, and his property shall be confiscated to the use of the person injured; but if the said person be not of reputable character, the judge shall inflict such punishment as he may think suitable to the case.

6. The married woman convicted of adultery, and he who has committed the same with her, shall be delivered up to the will of the husband; with the reserve, however, that he shall not put the one to death, without inflicting the same punishment on the other.

7. The man who shall consent, that his wife live in concubinage with another, or who shall have induced her to commit the crime of adultery, shall, for the first time, be exposed to public shame, and condemned to a confinement of ten years in some fortress; and for the second time shall be sentenced to one hundred lashes and confinement for life.

8. The same punishment shall also be inflicted on those who carry on the infamous trade of enticing women to prostitution, by procuring them the means of accomplishing the same.

9. He who shall be guilty of fornication with a relation in the fourth degree, shall forfeit half his property to the profit of the public treasury, and shall, moreover be punished corporally, or banished in some other manner, according to the rank of the person, and the degree of the kindred. If the said crime be committed between parents and their offspring, or with a professed nun, the same shall be punished with death.

10. He who shall commit the detestable crime against nature shall afterwards be burned, and his property shall be confiscated to the profit of the public and royal treasuries.

11. The woman who shall be publicly the concubine of an ecclesiastic, shall be sentenced, for the first time, to a fine of a mark of silver, and to banishment for one year from the city or from the place where the offence may have been committed. The second time, she shall be fined another mark of silver, and banished for two years, and in case of relapse, she shall be punished by one hundred lashes, in addition to the penalties aforesaid.

12. If fornication be committed between bachelors and girls, they shall be admonished by the judge to discontinue every kind of intercourse with each other, under the penalty of banishment of the man, and confinement of the girl, for such time as may be necessary to operate a reformation. If this menace have not the desired effect, the judge shall put the same into execution, unless the rank of the parties require a different procedure, in which case the said offence shall be submitted to the consideration of the judges, collectively, to apply the remedy, which their prudence and zeal for the repression of such disorders may suggest. They shall punish

all other offences of debauchery in proportion to their extent, and to the injury occasioned thereby.

13. He who shall break his oath, taken in conformity to law, for the validity of an agreement, shall forfeit the whole of his property for the benefit of the public and the royal treasuries.

14. False witnesses in civil causes shall be exposed to public shame, and banished for ten years; but in criminal causes, in which false testimony is more important in its consequences, the same shall be punished capitally. If, however, the accused shall not have thereby been sentenced to death, the false witness shall only be exposed to public shame, and be sentenced to perpetual banishment to some presidio. The said punishments may, however, be commuted, when from the rank of the offenders they cannot be condemned to the same.

15. He who shall steal the sacred vessels in a holy place shall suffer death.

16. Assassins and robbers on the highway shall suffer death.

17. The same punishment shall also be inflicted in cases of forcible robbery, which shall be reputed such, when the proprietor or other person shall have made resistance.

18. Robberies of other kinds, other than those comprised in the preceding articles, shall be punished corporally, according to the nature of the same, and the rank of persons.

19. He who shall kill another, shall suffer death, unless done in his own defence, or under such circumstances as are explained in the laws of the Nueva Recopilacion de Castilla.

20. He who shall commit wilful murder, or wound another with intent to deprive him of life, although the wounded person may survive, shall suffer death, and shall be dragged to execution at the tail of some animal; and the half of his property shall be confiscated to the profit of the public or royal treasury.

SECTION VI.

Of Testaments.

1. For the validity of a nuncupative will, it is necessary, that the same be received by a notary public, in presence of at least three witnesses, residents of the place; or if there be no notary, there must be present five witnesses, residents of the place in which the will shall be made; if, however, it be impossible to procure the last-mentioned number, three may suffice.

2. A testament shall be equally valid when made in the presence of seven witnesses, although they be not residents of the place, and although the same be not made in the presence of a notary.

3. If, after the closing of a will, the testator shall wish to add to, diminish or change any disposition contained therein, he may do the same

effectually by a codicil; observing the same formalities, and in the presence of the same number of witnesses required for the validity of the testament itself; but he cannot change the name of the heir, unless another will be made.

4. If the testator be blind, at least five witnesses shall be necessary to each of the instruments aforesaid, in order to prevent the deceptions, to which those who labor under such a misfortune are exposed.

5. For the validity of a mystic will, styled in Latin *in scriptis*, the testator, on delivering to the notary, (who shall seal it,) shall put an endorsement on the cover, stating that the within is his will; which endorsement shall be signed by himself and seven witnesses, if they can write; and if not, the others shall sign for them; so that there be eight signatures, including that of the escribano, who shall also put his signature thereto.

6. Before the opening of a will, after the decease of the testator, it is necessary that the judge who shall have knowledge thereof, shall certify thereto, and that the witnesses appear before the said judge, and declare, on oath, that they were present, when the testator declared the same to be his last will: they shall acknowledge their signatures, or shall declare (if such be the case) that by their request some one has signed for them.

7. As it often occurs that persons, either unable or unwilling to make a will themselves, empower others for that purpose, they are hereby informed, as follows:

8. That such authority must be given in presence of the same number of persons, and with the same formalities required for testaments.

9. That the person empowered to make a will for another, cannot revoke a will previously made by his constituent; unless the said will shall contain a special clause to that effect.

10. That he may neither appoint an heir, bequeath a third or a fifth to any of the children or descendants of his constituent, disinherit any of them, substitute others in their stead, nor name a guardian for them without an express clause and special authority to that effect; by reason, that the constituent should himself nominate his heir, and designate, by his will, whatsoever he may wish to be done.

11. That if the testator has not appointed an heir, nor designated one in the power given to make a will for him; the person so empowered, may only direct the payment of the debts of the deceased; after which a fifth part of the proceeds of his property shall be distributed for the repose and relief of his soul: the remainder shall be divided amongst the relations of the deceased, who, according to law, shall inherit; or, if there be none, the whole shall be applied to pious uses, for the benefit of the soul of the deceased, after previously deducting therefrom what is allowed by law to the wife, as dower, bridal presents, donations, *proper nuptias*, the half of the profits on the joint estate, and whatever may have fallen to her by succession or donation during the marriage.

12. That if the constituent shall have appointed an heir, the person empowered as aforesaid may not dispose of, in legacies pious or profane, more than the fifth part of the property of the testator, his debts being previously paid; unless by a special clause he should be authorized to dispose of a greater part.

13. That the person empowered should proceed to the completion of the will with which he is charged within four months, if he be in the place in which the power was given; or, if not, within six months; unless he be out of the kingdom; in which last case, one year shall be allowed, computing from the day of the decease of the constituent. All that may be done by the person, empowered as aforesaid, after the expiration of that term, shall be void and of no effect, even if he shall allege, that he had no knowledge whatever of his having been so empowered. But all the other stipulations by the testator, in the said power contained, shall be carried into execution, and the remainder of his property shall be delivered to his relations, who inherit *ab intestato*, and who, with the exception of the legitimate children of the descendants or progenitors of the testator, shall give the fifth part of the net proceeds of the said property, for the ease and repose of the soul of the said testator.

14. That the person empowered as aforesaid may not in any manner revoke the will he shall have made by virtue of the authority aforesaid, nor add a codicil, nor any declaration thereto, even if the same should be for pious uses, and notwithstanding he may have reserved the power of revoking, augmenting, diminishing, or changing the disposal he shall have made.

15. To the said testaments, codicils, or powers given to that effect, women, monks, people under the age of fourteen, drunkards, or other disqualified persons, shall not be admitted as witnesses.

16. A testator may bequeath a third or a fifth to any one of his children or other legitimate descendants, by specifying the part of his real or personal property which he designs for that purpose.

17. When a testator shall make a bequest to any of his children or legitimate descendants, he may impose such condition, remainder, or entailment, upon the property bequeathed as he may think proper, in order that his other legitimate descendants, or, in default thereof, his illegitimate descendants, or if there be none of either of those descriptions, his relations may enjoy the benefits resulting therefrom; to the end that the said bequest may never pass to a stranger, unless all the relations in the order aforesaid shall be deceased.

18. The father may also, while living, advance any of his children or legitimate descendants, in the same manner as at his death, or by will; but it is to be understood that he shall make the same advancement but once, and that the same being made during his life cannot be revoked, if settled by agreement and fixed by a public instrument, which should pre-

cede the delivery of the object in which consists the advancement, or if having been made with a view to marriage, or for any other similar cause; unless he shall have reserved, by the said instrument, a power to that effect; in which case he may revoke the said advancement.

19. If the father or mother shall have entered into an agreement not to advance any one of their children, the said agreement shall thereafter be binding; and if they should attempt the said advancement by any public instrument, the same shall be void and of no effect. If, on the contrary, they shall promise the advancement in consideration of marriage, or for other similar cause, the right to a third or a fifth shall be good at the decease of the parent, although no mention thereof shall have been made in the will.

20. The said advancement being made during life, or at the point of death, shall be calculated upon the real value of the property at the time of the decease, and not at the time of making the same.

21. All deeds of gift, or legacies, by the father or mother to their children or descendants, during life, or bequeathed by will, shall be reputed on account of the third or the fifth, although the same may not have been so expressed. In consequence thereof, they cannot bequeath a third or a fifth to any of the other children or descendants, which shall exceed the value of the said legacies or gifts to the former.

22. When any one shall die intestate, and without having empowered another to make a will for him, in the manner hereinbefore explained, if there be no legitimate children, or ascendants, who can inherit, the relations by blood and kindred of the fourth degree shall inherit the whole of the property; observing that the nearest relations shall inherit of right, and to the exclusion of those who may be further removed, unless the nearest relations shall be brothers of the deceased; in which case, the children of the other brothers, who shall have died previous to the decease of the person intestate, shall take a portion of the whole; that is to say, that if one brother, and three or four children of another brother, be living, the said children shall be entitled to an equal proportion, or one-half of the property; and the brother, uncle of the said children, shall inherit the other half, by reason that the nephews succeed by representation of their father, and not in their own right. This rule shall be followed in the division of estates when there may be a greater or less number of heirs; the foregoing being intended for an example.

23. If the deceased shall have neither ascendants nor descendants capable of inheriting, in the order explained, in the preceding article; the king shall be his heir, and the property shall be vested in the treasury or royal chamber.

24. Those who have not legitimate descendants may will in favor of their illegitimate children, although they may have ascendants. It must be understood that by illegitimate children are meant those born of a free

girl, to whose marriage with the father of the said children no legal impediment existed. Those children shall succeed in their own right, to their mother, and shall inherit the whole of their property, whether she may have died intestate, or otherwise, and shall have a preference over the ascendants, in case she shall have no legitimate children, who would otherwise inherit, to the exclusion of the illegitimate children.

25. Illegitimate children of every description shall incontestably succeed to their mother, if she have no legitimate children or descendants, even to the exclusion of her father or other ascendants.

26. The father and mother having legitimate children or descendants, cannot give, by way of maintenance, to their illegitimate children, more than the fifth part of their property; of which proportion they may also dispose for the benefit of their souls, or by a legacy to a stranger; excepting from the foregoing, the children of ecclesiastics, or monks, who cannot in any manner inherit from their parents or kindred, nor pretend to anything possessed by them during their lives.

27. A son or daughter, while under the authority of the father, being of competent age, that is to say, the son being fourteen, and the daughter being twelve, may will in the same manner as if they were emancipated from their parent, and may dispose of the third part of their property by succession, donation, or in another manner, unless derived from the father, who shall inherit the remaining two-thirds in the same manner as the mother or other ascendant.

Table of Fees, demandable by Judges, Lawyers, Escribanos, Attorneys, and the other Officers of Justice.

JUDGES.—For a signature containing the baptismal and family name of the judge, four reals in silver dollars of America, as also for the other fees hereafter detailed. They shall put the aforesaid signature to judgments, decrees, warrants, titles, and despatches which they may deliver for another tribunal. They shall exact but two reals in the same money for a signature containing their family name only, and the same for their cipher.

• For a sitting of two hours and a half, in cases of inventories, seizures, assessments, public sales, adjudications of real or personal property, *proces-verbaux*, declarations, examinations, and other acts of justice of whatsoever nature, two ducats, equal to twenty-two reals in milled dollars. For affixing the seals, in case of death, one ducat. If a longer time be necessary for the security of the property, the fee may be augmented in proportion to the time that shall be employed. For the opening of a will, and the examination of the seven witnesses, which should precede the opening of the will, forty-eight reals, viz: forty-four for two sittings, and the other

four for the signatures to the two instruments. They shall receive four ducats per diem while employed in the country, to continue until their return to their own houses; they shall be decently entertained, and shall be provided with a horse and other things necessary.

Assessors shall have also two ducats for each sitting in the city, and four for the country, either with or without commission. They shall charge one real per leaf for revising documents, they paying due attention to the bulk of the same, to the circumstances of the case, and to what may be only a continuation of the usual business.

THE ALCALDE MAYOR PROVINCIAL, AND THE OFFICERS OF THE SAINT HERMANDAD shall receive the same fees as the other royal judges, for their signatures and their sittings.

REGIDORS.—In causes of little importance, which may be brought before the cabildo by appeal, two regidors shall be appointed as commissioners, conjointly with the judge, who shall have pronounced the previous sentence. In all such cases they shall receive the same fees as the judge for their signatures and sittings.

THE ALGUAZIL MAYOR.—In common executions against debtors, they shall require payment, and if the same be not complied with within seventy-two hours from the moment of the summons, the said debtors shall pay, besides the fees to the judge and the other officers of justice, the tenth to the alguazil mayor, which is five milled dollars for the first hundred dollars, and two and a half dollars for every other hundred dollars; so that if the execution be issued for three hundred dollars, he shall take ten dollars for the tenth. He shall not, however, exact the same until the creditor be satisfied in the sum for which the execution be given.

THE DEPOSITARY GENERAL shall take three per cent. on all sums in specie, which may come into his possession by way of deposit, and the same for plate, jewels, or other personal property which may be deposited with him.

For real estate, as houses, plantations, and other property yielding revenue, he shall take five per cent. upon the said revenue, which shall be his compensation for the management of said property, for receiving the proceeds thereof, and for rendering an account of the same to the tribunal by whom he is appointed; whenever he shall be required thereto. He shall also take five per cent. upon the proceeds of the labor of all slaves in his care, who may not be employed upon the estate.

Whenever bonds or notes shall be deposited with him, he shall take five per cent. upon the sums which he may recover on account of the same.

LAWYERS.—The fees of lawyers shall be settled by another lawyer whom the judge shall appoint; and for every sitting their compensation shall be the same as that of the judges and assessors. But when they may be employed in examining documents in order to assist at a court, they shall be paid separately.

ESCRIBANOS shall have fifteen reals for a sitting in the city, and thirty per diem when employed in the country, to be continued until their return to their own houses, and two reals for each leaf of writing, and they shall be furnished with a conveyance, and decently entertained.

For the opening of a will, the examination of the seven witnesses which should precede the same, and legacies to the church, fifty-two reals.

For a copy of a decree or a provision, one real. For an act, two reals. For a notification, citation, or participation, two reals. For a declaration in his own house, six reals; or, if elsewhere, eight reals; and two reals for each leaf of writing either in his own house or elsewhere. For a despatch, two reals per leaf, and eight for the commencement and conclusion of the same. For each leaf of an exemplification of an act, one real and three quartillas, and one real for his signature. For duplicates, or copies of documents drawn from his record, two reals per leaf.

For a bill of sale of slaves, twelve reals. For a sale of personal property, which usually contains two leaves, two dollars; and if the same shall contain more on account of the conditions which the parties may wish to be inserted, he may augment in proportion. For a simple bond, eight reals; for a bond with mortgage, twelve reals; and if there be several mortgages comprised in the said bond, he shall be paid according to the labor and trouble he may have had in drawing up the same. For a receipt, eight reals. For an agreement, according to the number of leaves the same may contain; and if an examination of documents be necessary, the same should be taken into consideration, and the charge should be at least doubled.

For a will containing three or four sheets, four dollars, and augmented in proportion to the number of sheets.

THE RECORDER OF MORTGAGES.—For a certificate relative to a house, plantation, or other real property, eight reals. For a certificate of a slave, from one to the number of eighteen, four reals; and from that number to one hundred, twelve reals for each certificate. For a certificate of a mortgage on a vessel, four reals. For recording in the book of mortgages, those given for the security of payments, either for personal property, slaves, or vessels, four reals; and if the same be of an unusual length, eight reals; but when only a short note to designate the page in which the mortgage is recorded be required, no charge shall be made.

ATTORNEYS.—For an introductory demand, five reals. For assisting in the city, at an inventory, sale, adjudication, or seizure, twelve reals; for the same in the country, if employed a whole day, three dollars. If, however, the case requires much writing, they shall be paid according to the time that the lawyer may have been employed in drawing up the said case.

THE JUDICIARY CONTADOR.—For every five hours employed in preparing an account for settlement, four ducats, making forty-four reals, observing that five hours shall be accounted a day; and out of the aforesaid sum

he shall pay four reals to the escribano for each sheet of twenty-five lines to a page.

THE ASSESSOR OF COSTS shall be paid one quartilla for each sheet of the documents contained in the cause, the costs of which he shall assess. Four quartillas make a real.

APPRAISERS OF PERSONAL PROPERTY, SLAVES, AND OTHER EFFECTS.—To the exchange broker, for the valuation of furniture, houses, slaves, merchandise, &c., eleven reals, notwithstanding the appraisement may require two hours and a half.

ALARIFS, EXPERTS OF CARPENTRY, AND ASSAYERS OF SILVER.—Alarifs, experts of carpentry, masonry and joinery, shall have a ducat for every thousand dollars of the amount of the appraisement; and if the same shall exceed four, six, or eight thousand, they shall not demand more than four ducats; but if they be employed in the country, and the appraisement shall not amount to one thousand dollars, they shall have two ducats per diem during the time they may be employed, on account of the distance. If, however, one day only shall be necessary, although the appraisement shall amount to three or four thousand dollars, they shall be paid as if the same had been made in the city; but they shall be furnished with a horse, and shall be decently entertained. The assayer of silver shall have eleven reals for each appraisement, although the articles may be valuable, by reason that little time is required for that purpose.

THE APPRAISERS OF LAND shall have two ducats per diem, and the same when they shall value buildings of little consequence in the country, woodland, and fields in grain.

SURVEYORS shall have three ducats per diem.

THE ALGUAZILS shall have four reals for a summons to appear, and for a demand of payment. They shall also receive the same sum for obtaining documents of every description. They shall have eight reals for arresting and conducting to prison. The sergeant, in this case, shall have the same.

JAIL FEES.—The alguazil mayor shall have twelve reals for every free person imprisoned, and eight reals for a slave.

AT NEW-ORLEANS, the 25th November, 1769.

DON ALEXANDER O'REILLY.

Don Alexander O'Reilly, Commander of Benfayan, of the order of Alcantara, Inspector-General of Infantry, appointed by special commission, Governor and Captain-General of this province of Louisiana.

DIVERS complaints and petitions which have been addressed to us by inhabitants of Opelousas, Attakapas, Natchitoches and other places of this province, joined to the knowledge we have acquired of the local concerns, culture, and means of the inhabitants, by the visit which we have lately made to the German Coast, Acadian Coast, Iberville, and Pointe Coupée, with the examination we have made of the reports of the inhabitants assembled, by our order, in each district, having convinced us that the tranquillity of the said inhabitants, and the progress of cultivation required a new regulation, which should fix the extent of the grants of lands, which shall hereafter be made, as well as the enclosures, cleared lands, road and bridges, which the inhabitants are bound to keep in repair, and to point out the damage by cattle, for which the proprietors shall be responsible. For these causes, and having nothing in view but the public good, and the happiness of every inhabitant, after having advised with persons well informed in these matters, we have regulated all those objects in the following articles :

1. There shall be granted to each newly arrived family who may wish to establish itself on the borders of the river, six or eight arpents in front, (according to the means of the cultivator,) by forty arpents in depth; in order that it may have the benefit of the cypress wood, which is as necessary as it is useful to the inhabitants.

2. The grantees established on the borders of the river shall be held bound to make, within the three first years of possession, levees sufficient for the preservation of the land, and the ditches necessary to carry off the water. They shall, besides, keep the roads in good repair, of the width of at least forty feet between the inner ditch which runs along the levee and the barrier, with bridges of twelve feet over the ditches which may cross the roads. The said grantees shall be held bound, within the said term of three years' possession, to clear the whole front of their land to the depth of two arpents; and, in default of fulfilling those conditions, their lands shall revert to the king's domain, to be granted again; and the judge of each place shall be responsible to the governor for the superintendence of this regulation.

3. The said grants can neither be sold nor alienated by the proprietors, until after three years possession, and until the above mentioned conditions shall have been entirely fulfilled. To guard against every evasion in this respect, the sales of the said lands cannot be made without a written permission from the governor-general, who will not grant it until, on strict inquiry, it shall be found that the conditions above explained have been duly executed.

4. The points formed by the lands on the Mississippi River, leaving in some places but little depth, there may be granted, in these cases, twelve arpents of front; and, on a supposition that these points should not be applied for by any inhabitant, they shall be distributed to the settlers nearest thereto, in order that the communication of the roads may not be interrupted.

5. If a tract belonging to minors should remain uncleared, and the levees and the roads should not be kept in repair, the judge of the quarter shall inquire into the cause thereof. If attributable to the guardian, he shall oblige him to conform promptly to this regulation; but if arising from want of means in the minors, the judge, after having, by a verbal process, obtained proof thereof, shall report the same to the governor-general, to the end that the said land may be sold for the benefit of the minors, (a special favor, granted to minors only;) but if no person shall, within six months, be found, the said land shall be conceded gratis.

6. Every inhabitant shall be held bound to enclose, within three years, the whole front of his land which shall be cleared; and for the remainder of his enclosure he will agree with his neighbors, in proportion to his cleared lands and his means.

7. Cattle shall be permitted to go at large, from the eleventh of November of one year, to the fifteenth of March of the year following; and at all other times the proprietor shall be responsible for the damage that his cattle may have done to his neighbors. He who shall have suffered the damage may complain to the judge of the district, who, after having satisfied himself of the truth thereof, shall name experienced men to estimate the value of the same, and shall then order remuneration without delay.

8. No grant in Opelousas, Attakapas, and Natchitoches shall exceed one league in front by one league in depth; but when the land granted shall not have that depth, a league and a half in front by half a league in depth may be granted.

9. To obtain in the Opelousas, Attakapas and Natchitoches, a grant of forty-two arpents in front by forty-two arpents in depth, the applicant must make it appear that he is possessor of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them; a proportion of which shall always be observed for the grants to be made in the said places, but none shall ever be made of greater extent than that declared in the preceding article.

10. All cattle shall be branded by the proprietors; and those who shall not have branded them at the age of eighteen months cannot thereafter claim any property therein.

11. Nothing being more injurious to the inhabitants than strayed cattle, without the destruction of which tame cattle cannot increase, and the inhabitants will continue to labor under those evils of which they have so often complained to us; and considering that the province is at present

infested with strayed cattle, we allow to the proprietors until the 1st day of July, of the next year, one thousand seven hundred and seventy-one, and no longer, to collect and kill, for their use, the said strayed cattle; after which time they shall be considered wild, and may be killed by any person whomsoever, and no one shall oppose himself thereto, or lay claim to any property therein.

11. All grants shall be made in the name of the king, by the governor-general of the province, who will, at the same time appoint a surveyor to fix the bounds thereof, both in front and depth, in presence of the ordinary judge of the district, and of two adjoining settlers, who shall be present at the survey. The above mentioned four persons shall sign the proces-verbal which shall be made thereof, and the surveyor shall make three copies of the same; one of which shall be deposited in the office of the escribano of the government and cabildo, and another shall be delivered to the governor-general, and the third to the proprietor, to be annexed to the titles of his grant.

In pursuance of the powers which our lord, the king, (whom God preserve) has been pleased to confide to us, by his patent issued at Aranjuez, the 16th of April, 1869, to establish in the military, the police, and in the administration of justice, and his finances, such regulation as should be conducive to his service and the happiness of his subjects in this colony, with the reserve of his majesty's good pleasure, we order and command the governor, judges, cabildo, and all the inhabitants of this province, to conform punctually to all that is required by this regulation.

Given at NEW-ORLEANS, the 18th *February*, 1770.

DON ALEXANDER O'REILLY.

ER

DEC 20 1933

625C



T. B. M. Mason.

